

PLANNING & DEVELOPMENT COMMITTEE

08 June 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0650/16 (GD)
APPLICANT: Mr M Rees
DEVELOPMENT: Reserved Matters application details of layout, scale and appearance of the buildings, access and landscaping (pursuant to Outline planning permission 18/0923/13)
LOCATION: LAND OFF B4275, ABERDARE
DATE REGISTERED: 27/05/2022
ELECTORAL DIVISION: Aberaman

RECOMMENDATION: Approve

REASONS: The principle of the proposed development has been established by the grant of outline planning permission under application 18/0923/13 the details submitted are compliant with the parameters set out in that permission and are otherwise acceptable in terms of planning policy and all other material considerations.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This application seeks the approval of reserved matters in respect of the residential development of the site providing 22 houses three of which will meet the 10% affordable housing requirement set out in the Section 106 agreement associated with the outline planning permission. There are a series of house types propose across the site as follows: -

- House types A & B are the two storey social housing elements of the site comprising 2no. 1-bedroom flats and a 2-bedroom house.
- House type C is a 3 bedroom, two storey detached house.
- House Type D is a detached 4-bedroom two-storey house.
- House types E & F are semidetached 3 and 2 bedroom two storey houses.

All houses will be completed in combinations of reconstituted stone and white through colour render with grey tiles to the roofs with photovoltaic panels placed at appropriate locations.

Access to the site will be provided through improving the existing site access on the northern boundary of the site with a road to adoptable standards extending southwards into the site towards a private drive at its southern extent an access/maintenance road to the stream on the western boundary of the site.

The application is accompanied by the following.

- Landscape, biodiversity and amenity strategy
- Tree survey
- Tree report
- Geotechnical & Geo-environmental Assessment & Stability Report

SITE APPRAISAL

The application site comprises 1.29 hectares of relatively flat land that is lenticular in shape. A drainage channel runs along the western side of the site which is well wooded and provides the site with some ecological interest.

Access to the site is already present with a vehicular access already formed to the estate access road north of the site boundary. In turn, the estate link road provides access to the cross-valley link road that meets the B4275 and A4059.

The site sits between the recently built Davies Homes development, Farm Road and the industrial estate. The wider area is characterised by a mix of residential, industrial and recreational uses.

PLANNING HISTORY

18/0923	Residential development including landscaping, drainage, access improvements and other associated infrastructure	Approved 06/12/19
06/2448	Office, industrial and warehouse building (use classes B1 & B8) of 500 sq. m. (gross) floor space and associated parking	Approved 10/01/07

PUBLICITY

The application has been advertised by means of press notice site notices and neighbour notification letters and this has resulted in the submission of one objection claiming to represent the views of a number of residents, raising the following issues:

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Procedural issues

- The amount of advertising to local resident is challenged and it is also claimed that notices that have been posted at too high a height to actually read.
- The date of the letter is questioned as it was dated 30th May and was not received until 6th June giving insufficient time for comment and the letter says that no one can comment after the 21 day period is over.
- Objectors believe that a new report should be prepared and made available for their consideration and would want to consider it under the basis of a Freedom of Information request should that prove necessary.

Planning matters

- It is claimed that the site would not be suitable for residential development due to contamination, coal risk status and flood risk.
- Residents have concerns that the initial outline application suggested up to 32 dwellings and this now proposes 22 and have been unable to view the plans.
- Previous proposals for the site have revealed that the risk and cost of developing the site has made the development of the site untenable or unsuitable
- The site has been used as grazing land for many years
- The site is home to a number of rare and protected species including owls, bats, foxes, field mice and frogs which also spawn at the site.
- The report recommends the use of a piled raft foundation due to the presence of colliery spoil fill which is expensive and given the potential for gas and ground water contaminants would make for a complicated build. It is questioned if the builder has the experience to undertake such a build to ensure the safety of workers and local residents
- Other developers have suggested that they would not take the site on due to the costs of dealing with contamination and the health and safety implications associated with it.
- 22 houses will introduce potentially up to 66 cars into the area which has the potential to impact the commercial uses that share the same access road. Thirty five businesses are based off the same access road and this has the potential to adversely impact those businesses and potentially could put off customers visiting those premises
- Have businesses been made aware of the proposed development?

- Has a traffic report been prepared for the road accessing the B4275 junction? Will the development require the provision of additional highway works such as the introduction of traffic lights?

Contamination

- The 2018 Earth Science Partnership (ESP) report identifies old ironwork and mining activity under the site along with contaminated water all of which is detrimental to human and animal health and which spilled on to the land during drilling operations.
- The report identifies the potential for the following contaminants to be present at the site, cadmium, lead, iron, copper, zinc, arsenic, beryllium, chromium, mercury, nickel, selenium, vanadium, cyanide, sulphate, sulphide, poly aromatic hydrocarbons, petroleum hydrocarbons, phenols and asbestos. These are all known to be hazardous to human health associated with former industrial activity at the site. Residents are concerned that they might be exposed to risk due to the presence of these contaminants.
- Similar concerns are expressed in terms hazardous ground gas and vapours and the associated risk of injury due to explosion or exposure and potential asphyxiation/poisoning risks.
- The report also encourages the use of gas wells and residents are seeking clarification as to whether these have been installed and whether they have some guarantees on the issue.
- Objectors question whether or not the recommendations of the ESP report have taken place.

CONSULTATION

Highways – No objections subject to conditions

Structural Engineer – the site investigation submitted to discharge conditions relating to ground stability and other information subsequently supplied is adequate.

Flood Risk Management – No objections subject to conditions

Public Health & Protection – raise no objection subject to all mitigation measures identified in the noise impact assessment undertaken by acoustic consultants Ltd Ref 9538/JA/PR being fully implemented prior to the occupation of any dwellings.

Countryside – the landscape masterplan is acceptable from an ecological perspective, as previously identified ecologically unacceptable features have been removed. Detailed planting plans will be required at the appropriate stage in the development process.

Waste Management – No objections

Natural Resources Wales – No objections to the proposed development as submitted.

Dwr Cymru Welsh Water – No objections subject to conditions

Western Power Distribution – raise no objections to the proposals and advise that if the developer requires a new connection or a service alteration it will require a separate application to WPD

Wales & West Utilities – raise no objection to the proposed development and provide information on safe practice to be adopted when working in proximity to their apparatus.

South Wales Fire & Rescue Service – advise the provision of a comprehensive fire strategy for the proposed development indicating a package of fire safety measures proposed to satisfy the Building Regulations and should address any variation to current guidelines. They also advise that the developer should consider the need for the provision of adequate water supplies on site for firefighting purposes and access for emergency firefighting appliances.

South Wales Police – Raise no objections and advise on compliance with secured by design standards.

Glamorgan Gwent Archaeological Trust – As archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of work and in this event please contact the trust.

The Coal Authority – No objections

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the 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.

Policy CS1 – the policy places emphasis on building strong, sustainable communities in the northern strategy area.

Policy AW1- indicates the means by which housing land requirements will be met, including through the development of unallocated land located within settlement limits.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity because of flooding

Policy NSA10 – requires that residential development proposals in the northern strategy area should achieve a net density of 30 dwellings per hectare.

Policy NSA11 – requires the provision of 10% affordable housing on sites of 10 units or more in the northern strategy area.

Policy NSA12 – supports residential development within settlement boundaries where the

Policy NSA26 – sets criteria for the consideration of development proposals within the Cynon Valley River Park.

Supplementary Planning Guidance

Design and Placemaking

Affordable Housing

Nature Conservation

Access Circulation and Parking

Employment Skills

National Guidance

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

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

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
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

SE Wales Policies

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development
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:

As the current submission seeks consent for the approval of reserved matters, it is the acceptability or otherwise of the layout, scale and appearance of the buildings, access and landscaping that require principal consideration in reaching a decision on these proposals. Members will note that under consultation an objector has raised a number of issues relating to ground stability and contamination, these though will be addressed

through the associated discharge of condition applications and by advisory notes to this permission should it be granted. Notwithstanding, comment is also offered below in respect of the issues raised beginning with the issues raised by objectors referenced above.

Procedural issues

- The application has been advertised in accordance with statutory requirements by means of press notice, site notices and neighbour notification letters.
- Neighbour notification letters were dated 30th May 2022 and site notices posted on 6th June 2022. The Council cannot be held responsible for the time that the post office takes to deliver mail. That said, whilst responses are encouraged within the 21 day notice period specified in correspondence in practice and in this case the Council has continued to accept objections up until the time of the preparation of this report.
- The objector is not clear which report is being referred to however, this report is published and available for the public to view as a public document and all reports prepared by the applicant in support of this application for the approval of reserved matters are available to view by the public on the Council's website.

Planning matters

- Whether or not in principle the site was suitable for residential development because of contamination or underlying ground conditions was dealt with at the outline planning application stage. The reserved matters application cannot therefore revisit the issue. The reduction in house numbers and associated reduction in density is a result of constraints specific to the site.
- The viability in financial terms of developing this site in the context expressed by the objector is speculative and ultimately a matter for the developer.
- Whilst it is not disputed that the site has been used for grazing for a number of years, the fact of the matter is that it also benefits from outline planning permission that establishes that it is acceptable in principle to develop the site for housing.
- The ecological value of the site has been fully evaluated and appropriate mitigation will be provided as part of the ongoing development.
- Regardless of the complications that the development might involve because of ground conditions, the ability of the developer to deliver any approved development is not a planning consideration.
- Similarly, whether or not other developers choose to take the site on is a matter for the market/developer and is not a planning consideration.
- The impact of 22 houses on the highway network and any potential impact on existing businesses that share the access road are separate matters; advice on the suitability of the site in highway terms is addressed below. Claims that it might affect existing businesses are not backed up with any evidence or even an indication of how this might happen.

- The current proposals have been advertised in accordance with statutory requirements.
- The original outline planning permission was supported with a Transport Statement that was deemed acceptable.

Contamination

- The objector makes a series of points about contamination at the site referencing a 2018 report prepared by Earth Science Partnership (ESP). The same report also makes a series of recommendations and was the subject of consultation with Public Health & Protection who at the time of the outline planning permission, in commenting on the application, did not recommend any further work. As such, the applicants in applying for the approval of reserved matters have the right to rely on the findings and recommendations of that report in respect of the contamination issue. Issues identified subsequently have been brought to the attention of the developer and the developer has been advised to act on that advice.
- Members should also note that since the grant of outline planning permission further monitoring of gas wells has taken place.
- Objectors question whether the recommendations of the ESP report have taken place. Members are advised that responsibility for the implementation of the recommendations of the report rest with the developer and would take place through the development process rather than as a precursor to any development taking place on site.

Principle of the proposed development

The principle of the site being suitable for residential development has been established in the grant of outline planning permission 18/0923/13 in December 2019. Though national planning policy has been updated since that time with the issue of Planning Policy Wales 11 and the publication of Future Wales 2040, there is nothing in either document that would undermine the principle of residential development at this site.

Impact on the character and appearance of the area

The site itself is undeveloped grazing land with a strong wooded boundary on its western side adjacent to a drainage ditch and mature trees beyond its northern boundary, adjacent to the industrial estate road. The site is a small field within an otherwise largely developed area and it has not altered in any substantive way since the grant of outline planning permission. Most of these key features will be retained within the development.

The wider area is characterised by mix of traditional and modern residential development to the west on Farm Road, with a low-lying field immediately to the south and the Davies Homes redevelopment of Aberaman house beyond that. To the north

lies the industrial estate and to the east the cross-valley link road and then further industrial development. The proposed development would be set around a cul de sac entering the site from the north and would provide a mix of detached and semi detached houses, and flats. In this, it would be typical of much of the more modern residential development that has already taken place in the area and would sit comfortably within the wider milieu. In such a context, there would be a shift from an undeveloped site to a housing development that will alter both the character and appearance of the area with an obvious urbanising impact. This given the location is a neutral impact and the proposals will deliver some positive impacts particularly along the western boundary of the site.

Impact on residential amenity and privacy

The original outline planning permission allowed for the provision of over thirty dwellings on the development site and this number has been reduced to twenty-two that significantly reduces the density of development over the site. This change is justified due to the constraints that the site faces in terms of ground conditions, flood risk and the need to respect the importance of the site boundary with the stream for ecological reasons. The nearest houses to the proposed development are two relatively new houses accessed from the northern end of Farm Road which are 29 - 30 meters from any of the proposed dwellings with an element of deflection and for the most part the stream and its lining of trees in-between. Other residential properties are a greater distance away from those now proposed. As such, the impacts on privacy are considered acceptable.

Where amenity is concerned, certain properties that previously had an outlook over the open site would now face the rear of the proposed properties, however in most cases this impact is reduced by the necessary improvements to the stream corridor along the western boundary of the site. There is also a need to consider the amenity of future residents of the proposed houses where they back on to the cross-valley Link Road. In this respect, Public Health & Protection have confirmed that the noise attenuation measures are acceptable.

Access and highway safety

Access

The proposed is accessed off Aberaman Park Industrial Estate via an existing access point serving the site. The access as proposed is satisfactory for safe vehicular movement.

Visibility

In accordance with TAN 18, the required visibility splay from the proposed onto the existing access road is 2.4m x 40m. The achievable visibility from the access is in excess of the requirement and is therefore acceptable.

Internal Layout TP-01 REV C

The internal layout provides for 5.5m carriageway with 2.0m segregated footway facilities satisfactory turning facilities for access / egress in forward gear which is acceptable.

Full engineering design and detail will be required of the proposed internal layout to be offered for adoption is required and conditioned accordingly.

Design and detail of the proposed rain gardens and vehicular containment such as full height kerbs will be required which can be conditioned accordingly.

Bin storage area shall be provided at the access to the private shared access as close to the adopted highway as possible. .

Pedestrian access

There are safe segregated footway facilities leading to the wider highway network which are acceptable.

Easement

A 6.0m easement shall be provided for the existing highway carrier drain for future maintenance in the interests of highway safety.

Car Parking

The proposed site layout indicates the following car parking requirement: -

No of Bedrooms	Required	Proposed
2 x 1 bed	2	2
6 x 2 bed	12	12
8 x 3bed	24	24
9 x 4 bed	27	27

Highway Conclusion

The horizontal layout is acceptable.

6.0m drainage easement shall be provided 3.0m on the development side for the existing highway drainage maintenance.

Bin storage area shall be provided at the access to the private shared access as close to the adoptable highway as possible.

The applicant has submitted detail on application 22/0655/38 to discharge condition 15 Engineering Design & Detail which is not acceptable.

Condition 18 Construction Method Statement application 22/1199/38 has been discharged in part.

The bus stops fronting the B4275 have already been upgraded.

Other Issues:

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

Drainage

Whilst Flood Risk Management have requested conditions be applied in this instance there is no need. Drainage conditions were attached to the original outline planning permission (no's 11 & 12) and these remain to be discharged.

Ecology

Members should note that matters relating to the ecology of the site are dealt with by other applications seeking the discharge of conditions pursuant to the original outline planning permission. The Council's ecologist has confirmed that the updated landscaping plan is considered acceptable and should be followed up with a detailed planting plan prior to first occupation of any dwelling.

Conditions of the Outline Planning Permission

Members will note from the above text that a number of consultees are advocating the application of conditions. This is not necessary in a number of cases as the matters referred to are addressed elsewhere in one form or another. Highways have asked that condition 15 be carried forward; however, this will be dealt with under the requirements of discharge of conditions application 22/0655 which is ongoing. . Public Health and protection have confirmed under discharge of conditions application 22/0491 that the detail submitted to require noise attenuation are acceptable and that full compliance will only be achieved when the agreed details are fully implemented

National Sustainable Placemaking Outcomes

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

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

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

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development would provide new housing built to acceptable standards in an area that policy supports.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and employment at the new development through the course of construction works with a local developer providing local jobs.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land (though admittedly it has been reclaimed by nature) and sustainable building practices/materials to current standards.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures as per the recommendations of the Council's ecologist.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location, located on the valley floor, with many transport links and services/facilities located within walking distance.

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 CIL liable under the CIL Regulations 2010 (as amended). However as the site lies within residential charging zone 1 the charge is nil

Section 106 Contributions / Planning Obligations

The site is subject of a section 106 agreement agreed at the outline planning application stage and will secure

- Affordable housing at the required rate
- Employment skills training plan

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of key design considerations and is compliant with the requirements of Local Development Plan Policies AW5 and AW6 insofar as they relate to the approval of reserved matters. Access to the site along with the car parking proposed is considered acceptably by the Highway Authority. The design of the proposed houses is typical of more recent housing development in the area and would read as an addition to what already exists. The impact of the proposals on established residential property will alter their outlook in some cases, but in planning terms are considered acceptable

RECOMMENDATION: Approve

1. The consent hereby granted relates to the following plans

- Site Layout drawing no. TP-01 Rev A
- External Works Layout drawing NO. EW-01 Rev B
- House Finishes drawing no. HF-01 Rev A
- House Type A & B drawing no. 2155/TAB/01
- House Type A & B drawing no. 2155/TAB/02
- House Type C drawing no. 2115/TC/01
- House Type C drawing no. 2155/TC/02
- House Type D drawing no. 2155/TD/01
- House Type D drawing no. 2115/TD/02
- House Type E & F drawing no. 2155/TEF/01
- House Type E & F drawing no. 2115/TEF/02

Reason: For the avoidance of doubt as to the approved plans.

2. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made with/to manhole reference number SO02000807 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

3. Notwithstanding the landscaping details hereby approved further details of planting in terms of timing and species to be planted shall be submitted to and approved by the Local Planning Authority prior to the completion of the 10th house on the site. The agreed planting details shall be fully implemented in the first planting season following the completion of the final house on the development.

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