

PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0506/10 (KL)
APPLICANT: SWP SPV2 Limited
DEVELOPMENT: Demolition of existing buildings and the construction of a 16 bed specialist residential care home (use class C2) with associated works
LOCATION: LAND TO THE REAR OF NO.15 & 16 RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9PS
DATE REGISTERED: 05/05/2023
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Approve

REASONS: The proposal would provide a much-needed specialist residential care home within an established residential area, which is situated in a sustainable location.

The site is physically large enough to accommodate the proposed building and associated car parking and outdoor amenity spaces without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. Furthermore, the proposal offers ample off-street car parking within the site to serve the proposed use and it is not considered that it would result in an adverse impact upon highway safety in the vicinity of the site.

Consequently, the application is considered to comply with the relevant local and national planning policies.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a 16 no. bed specialist residential care home with associated works including landscaping and highways and

drainage infrastructure. The works would also include the demolition of a number of small shed/outbuildings currently at the site.

The proposed care home would be constructed towards the most southern corner of the site with an 'L' shaped footprint that would extend along the south-eastern and south-western boundaries. Access would be provided to the northern boundary, between no. 16 Rhigos Road and Brodowel, with a new road extending into the site. A total of 28 no. off-street car parking spaces (2 no. disabled) and 4 no. transit parking spaces would be arranged around the road and turning area, along with a cycle shelter and a refuse/recycling area. The remainder of the site would be taken up by semi-improved grassland, a sensory garden and games park, a veg plot and 4 private garden areas of 4 of the ground floor units. An eco-trail would also extend around the perimeter of the site.

The proposed building would measure a maximum of 33.5m in width by a maximum of 46.8m in depth with various pitched and hipped roof designs that would measure a maximum of 9m in height to the ridge. Externally, the building would be finished with a mixture of face brickwork, cladding and render with grey roof tiles and grey windows and doors.

The proposed accommodation would be arranged over two floors which would each have a floor area of 793m². The building would accommodate the following:

- 16 no. residential apartments which would each include a bedroom, a small kitchenette, a private bathroom and a lounge area (8 units on each floor);
- Two communal lounges/dining areas;
- Two arts and crafts room;
- One Sensory bathroom;
- 3 no. ancillary offices and a meeting room;
- Staff facilities including a canteen, lockers, two sleep pods and a shower room;
- Other facilities including plant room, medication store, kitchen, laundry room, visiting room, shares W.C. facilities, cleaning rooms and stores.

Details submitted with the application indicate that the proposed care home would provide a home for up to 16 people over the age of 18 with complex needs, including autism, learning disabilities and other disabilities, who are unable to look after themselves. The home would encourage as much independence as possible whilst recognising the high care needs of the service users

In terms of staffing levels, up to 25 no. members of staff will be on shift at any one time with the shift pattern being 8:00 – 20:00 and 20:00 – 08:00. It is indicated that there will be limited ad hoc visits from third party agencies (social workers and healthcare providers etc.) however, these would typically take place off site in the relevant healthcare setting. Family members may also visit service users with visiting times being between 09:00 - 20:00.

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

- Design and Access Statement;
- Pre-application Consultation Report;
- Justification and Operational Statement;
- Preliminary Ecological Appraisal;
- Transport Statement;
- Tree Survey;
- Environmental Noise Assessment;

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is situated to the rear of nos. 15 & 16 Rhigos Road on the western edge of the village of Hirwaun. The site measures approximately 0.57 hectares and comprises of two field parcels which slope away from the southern boundary to the north, resulting in a difference of approximately 3 metres over the length of the site. It currently comprises mostly of grass, trees and scrub, although there are 4 existing buildings positioned sporadically across the site, including a garage, barn and two sheds which are all in poor condition. The boundaries of the site comprise of unmanaged hedgerows/trees, with a stream running along the western boundary of the site. A further willow hedge and a wet ditch runs almost centrally between the two fields.

The area immediately surrounding the site is predominantly residential in character although there are a number of commercial properties in the wider area, including industrial units on the Bryngelli Industrial Estate to the south-east. The nearest neighbouring residential properties are situated immediately to the northern and north-western boundaries at Rhigos Road and Meadow Lane. Members may also recall that permission has recently been granted for 35 no. residential properties on the site immediately to the south-east of the application site (currently subject to a S106 agreement).

PLANNING HISTORY

The following planning applications are on record for this application site:

20/1445	Land to the rear of 15 & 16 Rhigos Road, Hirwaun	Outline for development (dwelling)	residential	Granted (18 27/04/22)
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PUBLICITY

The application has been advertised by means of direct neighbour notification letters, the erection of a number of site notices in the vicinity of the site and also through the publishing of a press notice in a local newspaper.

No letters of objection or representation have been received from local residents however, one letter has been received from Hirwaun and Penderyn Community Council which is as follows:

- The building does not have a lift meaning that it is not accessible.

CONSULTATION

Flood Risk Management: No objection, condition recommended.

Glamorgan-Gwent Archaeological Trust: It is unlikely that significant archaeological remains would be encountered during the proposed development and no objection is raised.

Highways and Transportation: No objection, conditions recommended.

National Gas Transmission: Advises that the site is located outside the High Risk zone from National Gas Transmission plc's apparatus and no objection is raised.

National Grid: No objection.

Natural Resources Wales: Concerns raised in respect of pollution during construction however, these can be overcome by attaching a planning condition to secure a Construction Environmental Management Plan to any grant of planning consent.

Public Health and Protection: No objection, conditions recommended in relation to hours of operation, noise, dust and waste during construction.

South Wales Police: No objection, advice and recommendations provided.

Wales and West Utilities: Advise that WWU has no apparatus in the area of the application site.

Welsh Government (Transport): No objection, condition recommended.

Welsh Water: No objection, conditions recommended in respect of surface water drainage and for a grease trap to be installed prior to the use commencing. It is further advised that a Hydraulic Modelling Assessment (HMA) of the water supply will be required in order to assess the effect of the proposed development on the existing water supply network. The application can be determined however, the applicant will need to be reminded of the need for the HMA to be commissioned and concluded prior to the submission of a New Water Connection application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hirwaun and is allocated for residential development (Policy NSA9.1 – Land south of Rhigos Road, Hirwaun).

Policy CS1 – Development in the North: emphasis on building strong, sustainable communities by providing high-quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1 – Supply of New Housing: sets out the criteria for the supply of new housing, including the development of unallocated land within defined settlement boundaries, the provision of affordable housing and the development of land at density levels which accord with Policy NSA10.

Policy AW2 – Sustainable Locations: promotes development in sustainable locations which includes sites that are within the defined settlement boundary that would not unacceptably conflict with surrounding uses, that have good accessibility by a range of sustainable transport options and have good access to key services and facilities.

Policy AW4 – Community Infrastructure & Planning Obligations: 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 – New Development: sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – Design and Placemaking: encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

Policy AW8 – Protection and Enhancement of the Natural Environment: seeks to preserve and enhance the distinctive natural heritage of RCT by protecting it from inappropriate development.

Policy AW10 – Environmental Protection and Public Health: development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of land instability, flooding, contamination etc.

Policy NSA3 – Development in the Key Settlement of Hirwaun: Supports proposals within Hirwaun which would be of a high standard of design and integrates positively with existing development.

Policy NSA12 – Housing development within and adjacent to Settlement Boundaries: requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area. Contaminated land must also be adequately remediated.

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.

Supplementary Planning Guidance

Access Circulation and Parking
Design and Placemaking
Nature Conservation
Planning Obligations

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 – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

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 site is located within the defined settlement boundary for Hirwaun and is within an established residential area which is well-connected to key local services and amenities and also to the local bus service which offers sustainable travel to the local and wider area. The area is also conducive to travel on foot and bicycle which further promotes the sustainability objectives of Planning Policy Wales and also the Rhondda Cynon Taf Local Development Plan.

It is noted that the site is allocated for housing under Policy NSA9.1 of the Rhondda Cynon Taf Local Development Plan and outline planning permission has previously

been granted for 18 no. residential dwellings at the site (planning ref. 20/1445). Whilst a proposal for residential development (Use Class C3) would be preferred, no further full or reserved matters applications have been submitted for this site. Notwithstanding this, the proposed use (Use Class C2) is of a residential nature, albeit for specialist care, and it is therefore not considered that the proposal would conflict with the provisions of Policy NSA9.

Furthermore, the application is supported by a Justification and Operational Statement which indicates that there is a significant lack of specialist care facilities in Wales to cater for people with complex needs and that many service users have had to be moved to England and Scotland, away from their family, to receive the care that they require. This is resulting in service users losing the right to live within their communities and have meaningful relationships with family and friends. As such, there is a much-needed push for localised services that fit the needs of individuals with complex needs.

The Justification and Operational Statement refers to a key document, 'Improving Care, Improving Lives', which reviewed service users in care services and what improvements can be made to their care. The long-term proposals set a revised target to reduce inpatient provision (i.e., institutional care settings) for people with learning disabilities and/or autism by 50% (against 2015 levels) by 2023/24, which will require progress in relation to alternative care settings at twice the rate achieved to date. This type of reduction not only requires creative thinking around new care provision where people can be placed in the community, which is cost effective, but also needs to support the provision of new suitable care facilities, such as that proposed in this current application.

In terms of the specific need in RCT, the Statement indicates that a mean increase of 0.64% is predicted by 2025, which amounts to around 5,517 people who will be in need of care in the future. A percentage of these individuals will have needs that challenge traditional services, but do not require the hospital setting. It therefore concludes that to prevent institutionalising persons with care needs, community-based care facilities are desperately needed in RCT. The proposal would provide 16 no. residential care units and would therefore go some way in providing much-needed specialist care facilities in RCT.

As such, in light of the above, the principle of constructing a specialist care facility at the application site is considered to be acceptable, subject to further assessments in respect of the impact of the proposal upon the character and appearance of the surrounding area, the amenity and privacy of neighbouring properties and also the impact of the proposal upon highway safety in the vicinity of the site.

Character and Appearance

Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan primarily seek to ensure that developments do not have unacceptable effects on an area's character and appearance and this is to be achieved by ensuring that the scale, form

and design of developments are appropriate and that they are of a high standard of design that reinforce attractive qualities and local distinctiveness and that they are appropriate to the local context in terms of siting, scale, height, massing, materials and detailing.

In the case of this application, the site is situated within a built-up area which is predominantly residential in character. There is a clear mix of house-types in the immediate vicinity with semi-detached and detached properties of both single storey and two-storey scales being visible adjacent to the boundaries of the site. Whilst the scale and design of the building would inevitably be different to the existing pattern of development in the area, this is primarily due to the proposed use of the building which, by its very nature, is required to be of a larger scale. Notwithstanding this, the site is physically large enough to accommodate the building and ample space would be retained around the building to facilitate off-street car parking, private and shared garden/amenity areas and also for a comprehensive landscaping scheme to be implemented. Furthermore, the building would be appropriately sited within the site and with a two-storey height and traditional design, it is not considered that the development would have an adverse impact upon the character and appearance the area. As such, it is not considered that the proposal would lead to site being overdeveloped and the opportunity for grass and planting areas would ensure that the development would have a pleasant appearance.

Whilst the building would primarily be of traditional design with a pitched/hipped roof design, it would incorporate some modern touches, including the use of modern materials. Details have been provided to demonstrate the overall finish of the building in general however, it is indicated that the exact material palette has not yet been confirmed. It is therefore considered necessary to impose a planning condition in this regard to ensure that the final finish of the building is appropriate and in context with the surrounding area.

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

Amenity and Privacy

The proposed building would be situated towards the most southern end of the plot and away from the nearest neighbouring residential properties, which are situated at the northern and north-western boundaries. With separation distances of at least 35 metres, the development would not result in any adverse levels of overshadowing or loss of outlook and the level of privacy currently enjoyed by existing residents would be protected by the retention of the existing trees and hedgerows around the perimeter of the site and also the introduction of further hedgerows to the northern boundary. It is also noted that the separation distances between habitable windows would be well in excess of the 21 metres usually sought.

Whilst the site immediately to the east is currently vacant, it must be noted that an application for residential development (35 no. dwellings), has been submitted to the Council and is currently waiting for the Section 106 Agreement to be completed before planning permission can be formally issued (planning ref. 21/1491). The relationship between the two developments is demonstrated in the Proposed Block/Layout Plan submitted for this application and it can be seen from this that a separation distance of 30 metres would be maintained between the habitable windows of the two proposed developments. This, along with the trees and hedgerows being retained along the common boundary would ensure that no unacceptable levels of overlooking would occur.

It is acknowledged that the site has been vacant for quite some time and residents will have become accustomed to very little or no activity at the site. The construction of a specialist care facility will therefore introduce some degree of noise and disturbance that residents will not have experienced previously, including vehicles accessing and exiting the site and also general use of the outdoor garden areas, veg patch and eco-trail etc.

In terms of vehicular use, it is not considered that the number of vehicles accessing/exiting the site would be significant with the majority of trips being likely to occur during daytime hours and around the shift patterns of the employees and family visiting hours. This is supported by the Transport Statement submitted with the application which indicates that the development has the potential to generate around 22 arrivals and 22 departures per day with 6 vehicular movements being generated during its busiest hour between 15:00 and 16:00 and 0 trips between the hours of 21:00 and 06:00.

Furthermore, given the residential nature of the use, the noise that existing residents might experience as a result of the use of the proposed outdoor areas is not likely to be significant or detrimental to the amenity of existing residential properties.

The site is situated immediately adjacent to the A465 and it is acknowledged that future residents of the facility may experience some road noise as a result of this. The application is supported by a Noise Impact Assessment which considers this issue and whilst it states that an accurate noise survey cannot currently be conducted due to the extensive road works that are currently underway in the vicinity, a review of publicly available documents has been carried out in order to establish potential impacts. The report indicates that this approach was discussed and agreed with the Council's Public Health department prior to the review being undertaken.

The Noise Impact Assessment indicates that an external building fabric assessment was carried out in order to control noise intrusion based on predicted façade levels and recommendations have been made in relation to specifications for external walls, roof, ventilation and glazing. A further assessment was made of the external noise in gardens and whilst it is indicated that levels would marginally exceed the upper noise

limit as stated in the British Standards, base on 2021 noise levels, this would be reduced upon the completion of the A465 road scheme (based on the Noise Change prediction set out in the Welsh Government Environmental Statement Volume 3: Figures, dated July 2017 for the dualling of the A465 between Dowlais and Hirwaun. The report therefore concludes that, subject to mitigation measures (double glazing, trickle ventilators, close board fencing), the proposals are acceptable from a noise perspective. No comments had been received from the Council's Public Health and Protection team on the submitted Noise Impact Assessment at the time of writing this report. Therefore, any comments received will be reported at the meeting of the Planning and Development Committee.

As such, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of existing residential properties surrounding the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

The application has been assessed by the Council's Highways and Transportation section and no objection has been raised in relation to the impact of the proposal upon highway safety in the vicinity of the site. The response is summarised as follows:

Access

The application site is accessed via Rhigos Road which is considered acceptable for safe vehicular and pedestrian movement.

An uncontrolled pedestrian crossing point would be required at the junction of the lane fronting numbers 15 & 16 Rhigos Road and the new site access, in accordance with Active Travel Wales Act 2013 and PPW 11th edition. The plans provide for satisfactory pedestrian access.

Site Layout

The Site Layout Plan illustrates the proposed access and the provision of 30 no. parking spaces for staff and visitors. A further 2 no. disabled parking spaces are proposed close to the principal entrance to the building. Full on-site turning facilities have been provided for both refuse lorries and a fire pump and cycle storage facilities would also be located in this area.

It is recommended that the proposed junction up to the land ownership boundary is designed and built to an adoptable standard and the applicant would be required to enter into a Section 278 Highways Agreement to implement the works. The land within the site would remain private.

Committed Sum

Committed sum will apply to any highway asset that would require additional maintenance, as set out in the Council's Design Guide. If roads are to be offered for adoption and standard highway infrastructure has been constructed, then there will be no committed sum. Only upon use of innovative materials or offering elements of the development to the Highway Authority that would require extra over maintenance liability, then a committed sum would be required which will form part of the road agreement.

Parking

The Council's SPG: Access, Circulation and Parking indicates that residential care homes require 1 space per resident staff, 1 space per non-resident staff and 1 space per 4 bed. The proposed care home would provide 16 beds which would require 4 off-street car parking spaces. It is also indicated within the application that the use would employ 25 members of staff which would require an additional 8 off-street car parking spaces (total of 12 spaces required).

The site layout plan indicates that a total of 32 off-street car parking spaces would be provided within the scheme which is considered acceptable.

Active Travel

Planning Policy Wales (Ed 11) and Active Travel (Wales) Act 2013 set out walking and cycling as well as public transport at the top of the hierarchy of sustainable modes of travel. The village of Hirwaun is well served by continuous pedestrian facilities and links to the National Cycle Route and the proposal is therefore acceptable in this regard.

Transport Statement

The TRICS data suggests that, based on typical trip rates for residential care homes, the proposed development has the potential to generate around 22 arrivals and 22 departures per day. The development is likely to be at its busiest during the early afternoon and the data suggests that 6 vehicles movements will be generated during its busiest hour (15:00-1600).

Of the total movements, it is anticipated that 16% of the total movements would walk or cycle, 1% would use public transport, 18% would be vehicle passengers and the remaining 65% would travel by private vehicle or taxi.

There are no issues regarding the impact of the proposal on the existing highway network, which is acceptable.

The comments further indicate that the development would generate less trips to the previously approved development at the site for 18 no. residential dwellings.

The application site lies immediately adjacent to the A465 trunk road and consultation has therefore also been undertaken with Welsh Government (Transport). The comments received raises no objection to the proposal however, a condition is recommended for a programme of works to be submitted and approved in order to ensure co-ordination and to help identify any potential conflict between the proposed works and those for section 5 and 6 of the nearby A465 scheme.

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

Other Issues:

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

Drainage

The proposal has been reviewed by the Council's Flood Risk Management team and no objection is raised. The comments indicate that there are areas of high, medium and low surface water flood risk identified across the site, predominantly through the centre from south to north, which would potentially affect the proposed parking area, refuse lorry turning area, veg plot and the west wing of the proposed building. This is associated with a conveyance of surface water possibly originating from an unnamed ordinary watercourse on land to the south of the application site.

It is also advised that an unnamed watercourse runs along the western edge of the site which flows south to north towards the River Cynon. There is also a high risk of surface water flooding identified downstream of the site, along Railway Terrace.

Details submitted with the application indicate that surface water will be disposed of via SuDs however, no details have been provided with the application in this regard. The Flood Risk Management Team have advised that in order to ensure that surface water is appropriately managed, further information will be required to demonstrate how surface water will be managed and disposed of at the site, along with a site surface water drainage strategy outlining the pre and post discharge rates and a general arrangement of the proposed drainage layout. As such, a condition is recommended in this regard. Whilst the recommended condition is noted, the development would have an area of over 100 square metres and the applicant would therefore be required to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB) under Schedule 3 of the Flood and Water Management Act 2010. The development will also be required to comply with Part H

of the building regulations and obtain separate Ordinary Watercourse Consent under Section 23 of the Land Drainage Act 1991

As such, issues of drainage would be fully considered in the Sustainable Drainage Systems application, and it is not considered reasonable or necessary to also add a planning condition in this case.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal which has been assessed by the Council's Ecologist and also Natural Resources Wales.

The comments received from the Council's Ecologist indicate that the site is previously short, grazed horse pastures with boundary hedges and/or tress. The PEA identifies negligible bat roost impacts due to the retention of boundary trees and also a medium to long term loss of foraging habitat. The hedgerow retention would also significantly reduce nesting bird impacts.

The PEA identifies low to moderate potential for reptiles and amphibians, although it is noted that until recently the site was heavily grazed, which would have significantly reduced any amphibian/reptile use. The report also notes that no devil's-bit scabious, foodplant of the marsh fritillary butterfly, is present, nor is there any evidence of badgers. The potential for dormouse is very small and potential otter use is also considered to be low.

The proposed layout shows areas of retained or recreated semi-improve neutral grassland and these appear to be in locations which can receive the necessary cut and collect management. The provision of these spaces is considered to be a significant improvement on the mitigation/enhancement offered in the previously approved housing scheme and this application therefore has a greater capacity to evidence effective mitigation and some enhancement potential.

As such, no objection is raised to the proposal, subject to the imposition of a planning condition to secure detail of all species and habitat mitigation, details of hedgerow and tree protection, details of long-term hedgerow management and details of the provision of semi-improved neutral grassland mitigation within the green spaces of the site.

The comments received from Natural Resources Wales indicate that the site is located within a sensitive location due to a watercourse running through the site. The watercourse, being relatively minor in nature, has the potential to be affected by pollution due to less dilution. It is advised that appropriate pollution prevention measures should be employed during both construction and demolition phases and, as such, a condition is recommended for a site wide Construction Environmental Management Plan to be submitted for consideration prior to development commencing on site.

It is further noted that the site is situated within 140m of the Blaen Cynon Special Area of Conservation (SAC) and Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI). NRW advise that the SSSI is of special interest for its lowland bog and for areas of soligenous flush, marshy grassland, dry neutral grassland and lowland acid grassland. These habitats occur in a complex with wet heath, swamp and semi-improved grassland. The site is also of special interest for the Marsh Fritillary butterfly *Eurodryas aurinia*, which is fully protected under the 1981 Wildlife Countryside Act.

It is commented that the closest record for the Marsh Fritillary is 220m away from the development site and NRW note that the submitted PEA states that Devil's-bit scabious is not present on site. Therefore, the site is unlikely to provide habitat for Marsh Fritillary caterpillars and the proposed development is unlikely to cause significant negative impacts to the SSSI or SAC due to the distance from the protected side and its separation by road and housing.

Impact on Trees

The application site currently comprises of a number of trees and hedgerows to the perimeter of and within the centre of the site. The plans indicate that whilst the trees and hedgerows to the site boundaries would be retained, a number of trees at the centre of the site would need to be felled in order to facilitate the proposed development. The Tree Survey that has been submitted to support the application indicates that the trees/hedgerows to be removed would include 1 small hedgerow and a total of 18 no. trees which includes hawthorn, sycamore and goat willow trees. Whilst the loss of these trees is regrettable, none of the trees are protected by a Tree Preservation Order and the Tree Survey indicates that mitigative planting would be provided as part of the site landscaping. The report advises that a minimum of 20 trees will be planted in mitigation of the removals and that there is sufficient space around the car parking area and within the proposed landscape buffer on the northern site boundary to accommodate this.

On this basis, the proposal is considered to be acceptable, subject to conditions for details of tree protection measures and also for a landscaping plan to be submitted for approval prior to the development commencing.

Comments received in objection to the proposal

It is noted that a single letter of objection has been received in relation to the proposal, which highlights that the scheme does not include a lift, which would make the development inaccessible. Whilst these comments are noted, it would not be reason to refuse the application.

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 positive placemaking merits of the scheme within the sections of the report above, the proposed development is considered to relate in particular to the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the edge of settlement location and as an allocated housing site would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is located close to a bus route and is within a reasonable walking distance of the services and facilities located in the centre of Hirwaun. As the site is allocated and within the settlement boundary it is considered to be a sustainable location.
- **Maximising Environmental Protection:** The development would retain the boundary trees and hedgerows which would significantly reduce bat and nesting bird impacts. It would also provide large areas of retained or recreated semi-improved neutral grassland.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs.

In respect of the other national outcomes the development would be considered to have a largely 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) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The proposal would provide a much-needed specialist residential care home within an established residential area, which is considered to be situated in a sustainable location.

The site is physically large enough to accommodate the proposed building and associated car parking and outdoor amenity spaces without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. Furthermore, the proposal offers ample off-street car parking within the site to serve the proposed use and it is not considered that it would result in an adverse impact upon highway safety in the vicinity of the site.

Consequently, the application is considered to comply with the relevant local and national planning policies and it is recommended for approval, subject to a number of conditions.

RECOMMENDATION: Approve

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans received by the Local Planning Authority on 05 May 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 10.266.01A: Existing Site Location Plan and Existing Block Plan.
- Drawing No. 10.266.03A: Proposed Site Location Plan and Proposed Block Plan.
- Drawing No. 10.266.04F: Proposed Site Layout Plan
- Drawing No. 10.266.05D: Proposed Ground Floor Plan.
- Drawing No. 10.266.06D: Proposed First Floor Plan.
- Drawing No. 10.266.07C: Proposed Elevation Plans.
- Drawing No. 10.266.08B: Proposed Site Sections.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than a residential care home, and activities

linked to a residential care home) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and ensure no inappropriate uses be operated at the site to protect neighbouring amenities, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished in accordance with the approved details.

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

5. Before the development is brought into use, the means of access, together with the turning and parking facilities, shall be laid out in accordance with Plan Drawing No, 10.266.04F and approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles thereafter.

Reason: In the interests of highway safety and to ensure that vehicles are parked off the public highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the approved plans, development shall not commence until full engineering design and details of new junction layout, uncontrolled pedestrian crossing facilities 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 and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
 - a) The means of access into the site for all construction traffic,
 - b) The parking of vehicles of site operatives and visitors,
 - c) The management of vehicular and pedestrian traffic,

- d) Loading and unloading of plant and materials,
- e) Storage of plant and materials used in construction of 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.

8. Prior to any development commencing, other than site clearance, a works programme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Welsh Government (Transport). The works shall be carried out in accordance with the approved programme.

Reason: To ensure co-ordination and limit conflict between site works and the ongoing works to the A465 trunk road, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence, including any works of site clearance, until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Details of all species and habitat mitigation;
- Details of hedgerow and tree protection;
- Details of long-term hedgerow and tree management;
- Details of the provision of semi-improved neutral grassland mitigation within the green spaces of the site, including re-use of the nutrient poor soils and existing seedbank, appropriate grass mix seeding, short-term aftercare establishment and long-term cut and collect grassland management.

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

Reason: In the interests of biodiversity and in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence, including any works of site clearance, until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall 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.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management, species and habitats protection, avoidance and mitigation measure.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP masterplan: details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works, details of measures to minimize noise and vibration from piling activities, for example, acoustic barriers, details of dust control measures, measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment, details of wastewater.
- Traffic Management: details of site deliveries, wheel washing facilities.
- 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.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented in accordance with the approved details during the site preparation and construction phase of the development.

Reason: To ensure necessary management and implementation for the protection of the environment during construction, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their

protection during the course of development. The development shall be carried out in accordance with the agreed details.

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

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

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.

13. The development shall be implemented in accordance with the mitigation measures set out within the Noise Impact Assessment, dated 02/05/23, by Hunter Acoustics.

Reason: To protect the amenity of future residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.

15. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

16. Prior to occupation of the building hereby approved, a potable water scheme to serve the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply

network in order to accommodate the site shall be delivered prior to the occupation of any building. The agreed scheme shall be constructed in full and remain in perpetuity thereafter.

Reason: To ensure the site is served by a suitable potable water supply, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

