

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
9<sup>th</sup> NOVEMBER 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

**Agenda Item No. ....**

**APPLICATION NO:22/1163/10 –  
Development of four flats, car parking,  
landscaping and associated  
works.(Amended Plans Received  
04/08/23), LAND OFF ST JOHNS ROAD,  
TONYREFAIL**

**1. Purpose of the Report**

Members are asked to consider the determination of the above planning application.

**2. Recommendation**

That members consider this report in respect of the application and determine the application having regard to the advice given.

**3. Background**

This application was originally reported to the 9<sup>th</sup> March 2023 meeting of the Planning and Development Committee with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**.

At the meeting and following consideration of the report, whilst being generally supportive of the proposal, Members expressed concerns regarding the potential impact of the proposed parking scheme upon the openness of the site. As such, Committee resolved to defer the application to a future meeting of the Planning and Development Committee in order to give the applicant the opportunity to revise the scheme to address these concerns.

Revised plans were subsequently submitted on 01 June 2023 which show the proposed parking spaces towards the northern boundary of the site with the bottom area remaining unchanged. The proposed layout would see a total of 4no. spaces serving the proposed development with 2no. spaces access via Manley Close and 2no. access directly off St John's Road. The proposal would also see the retention of 5no. spaces from the use of local residents in the location of existing off street parking along Manley Close.

In addition, to the updated parking layout following the deferral of the application the applicant has also proposed additional amendments to the development which are demonstrated on amended plans received 04 August 2023. These amendments consist of the following changes:

- Apartments proposed within a single building as opposed to two separate blocks.
- Drainage basin updated to reflect the SAB application.

- Relocation of footpath between the flats and car parking relocated towards the eastern boundary to ensure level access.
- Relocation of entrance doors and minor changes to the elevations.

#### **4. Planning Assessment**

The proposed car parking layout has been considered by the Council's Transportation Section following additional consultation. No objection was raised to the proposed layout with the following comments.

The 4no. 1 bedroom apartments require 1 space per apartment and 1 visitor spaces taking the total required to 5 spaces in accordance with the Development of Flats SPG with 9 spaces indicated on the submitted layout plan. The submitted plan indicates 4 spaces for the residential flats with the 1 visitor space provided on street or using the existing car parking spaces served off Manley Close for use of the general public. During onsite inspection of the existing car park (5 spaces) the facility was fully occupied providing off-street car parking facilities for existing residents. The proposal provides 5 off-street spaces for existing residents which is acceptable. However, to secure the use of these spaces for the general public following the completion of the development, it is considered that a Section 106 is required with the details set out below.

#### **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, the S106 relates to use of the 5no. parking spaces that would replace the existing spaces at the site accessed from Manley Close.

Whilst the submitted plans indicate that the spaces would be for the use of the general public to ensure that the use of these spaces are retained in perpetuity a S106 will be required to ensure that applicant does not restrict the use in the future.

Given the amendments to the scheme and the inclusion of a parking layout on the plans under consideration condition 4 on the original Officers report which required the submission of 4no. parking spaces will no longer be required. As such, this change along with other updates to the proposed conditions have been set out below for Members to consider.

When considering the other changes undertaken which most notably would see the creation of a single building in place of two separate blocks. It is not considered that these changes would result in any detrimental impact with regard to the impact of the scheme on the character and appearance of the area or neighbouring amenity in comparison to the original proposal. In addition, the creation of a single building would be more in keeping with surrounding development which is characterised by pairs of semi-detached properties. Furthermore, the proposed car parking which is located solely within the northern half of the site would leave the southern area unchanged that would retain the openness of the site. As such, the application is considered acceptable in this regard.

The changes discussed above were also subject to new consultation with local residents. A total of 6no. letters were received from local residents with 4no. consisting of additional letters from existing objectors and 2no. letters from additional objectors. As such, there are now a total of 7no. individual objectors to the application. The additional objections largely raised points set out in the original report focused on the loss of green space. However, there were additional concerns raised in relation to highway safety associated with the location of the proposed parking spaces in close proximity to an existing junction and the future occupants of the proposed flats.

Members are also advised that the proposed development will no longer be used by the Council's Childrens Services for the accommodation of care leavers and the scheme will now be for 4no. general need affordable units.

## **5. RECOMMENDATION**

In light of the above, it is considered that the amended scheme goes some way to addressing the concerns raised by Members in terms of the overall visual appearance of the development and there is no objection with regard to the proposed parking arrangements and other amendments proposed by the applicant. It is therefore recommended that the application be approved subject to a S106 agreement and the following conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:
  - LT2115.00.01
  - LT2115.04.01 Rev K
  - LT2115.04.02 Rev D
  - LT2115.04.03 Rev B

and documents received by the Local Planning Authority on 04/08/23, 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. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with site layout plan LT2115.04.01 REV K, and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The car parking spaces shall be retained thereafter for the parking of vehicles.

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

4. No development shall commence on site until design and construction details of the proposed realigned footway link between Manley Close and Martin Crescent, as shown on drawing LT2115.04.01 REV K, have been submitted to and approved in writing and implemented to the satisfaction of the Local Planning Authority prior to removal of the existing adopted footway.

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

5. Prior to the development being brought into use, an extended vehicular footway crossing on Manley Close and new crossover on St Johns Road for additional car parking area shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

6. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding 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 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. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in Section 5 of the Wildwood Ecology, Preliminary Ecological Appraisal Report, dated October 2022.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of 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.

10. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

**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:** 22/1263/10 (JE)  
**APPLICANT:** Trivallis  
**DEVELOPMENT:** Development of four flats, car parking, landscaping and associated works.  
**LOCATION:** LAND OFF ST JOHNS ROAD, TONYREFAIL  
**DATE REGISTERED:** 24/10/2022  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION: APPROVE**

**REASONS:**

**The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application site.**

**REASON APPLICATION REPORTED TO COMMITTEE**

1. More than three letters of objection have been received.
2. Requests have been received from Councillors Owen Jones and Grehan for the matter to come to Committee so that Members can consider the full impact of the development.

**APPLICATION DETAILS**

Full planning permission is sought for the construction of 4no. flats and associated works at land off St. Johns Road, Tonyrefail. The proposed works would be located towards the northern half of the site and would consist of the construction of 2no. detached properties that would each accommodate a ground and first floor flat to be occupied as social housing.

The units would be orientated north-south facing the highway at Manley Close and would both measure a width of 8.1 metres by a depth of 8.1 metres. The properties would have a

dual pitched roof design with gable ends to the side elevation measuring a maximum height of 8.2 metres sloping to 5 metres at the eaves.

Each flat would benefit from a private entrance on to the front and would include the following layout: entrance hallway, living/dining room, kitchen, bathroom and 1no. bedroom. To the rear each flat would benefit from a private area of amenity space.

Six car parking spaces are proposed to the north of the site, four of which are to serve the proposed development and two are proposed for use by existing residents. The development is to be accessed via Manley Close through the introduction of dropped kerbs, and the area of parking will separate the proposed units from Manley Close.

To the south of the properties, towards the centre of the site, would be a SuDS feature and associated landscaping.

The application is supported by:

3. Planning Statement
4. Preliminary Ecological Appraisal
5. Geo-environmental Report

## **SITE APPRAISAL**

The site consists of a broadly rectangular parcel of land located within a residential area of Tonyrefail. The site extends to approximately 1700m<sup>2</sup> and is located on the eastern end of Manley Close and Martin Crescent which adjoin St. Johns Road to the north and south of the site respectively. The site is currently largely mowed grassland and accommodates an area of off street car parking along its northern boundary accessed via Manley Close. This is informally used by residents and provides 5 parking spaces.

The nature of the site slopes from north to south. The site accommodates existing, informal footways crossing from north to south and east to west, however these do not benefit from any Public Right of Way designation. On the eastern boundary of the site along St. John's Road is a bus stop which is located outside of the submitted red line boundary.

Surrounding development is characterised by semi detached dwellings that all share a similar overall character and design. A large number of these properties benefit from existing extensions, alterations and outbuildings.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the application site are:

**22/0052/10:** LAND OFF ST JOHNS ROAD AND MANLEY CLOSE, TONYREFAIL  
Proposed development of seven dwellings, car parking, landscaping and associated works.

Decision: 27/01/2022, Withdrawn by Applicant



## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

5 letters of objection from surrounding occupiers and Tonyrefail Community Council have been received following consultation. In addition, concerns have been raised by local Councillor Dan Owen Jones. The points raised have been set out below:

6. Proposal would result in the loss of an area of green space which is valued by local families and available for safe child play.
7. Proposal is NOT wanted or needed.
8. Green areas are needed in Tonyrefail, and this green offers a place for children to play and a nice, pleasant space for the rest of us.
9. Development is not suited to the community or in keeping with the surroundings.
10. Blocking of view.
11. People have purchased and improved houses in the area because of the greenery.
12. Extra traffic problems as existing parking bays are already full.
13. Bottom half of the green which would remain is not suitable for children to play on.
14. Other sites within Tonyrefail would be more suitable for new development.
15. Environmental impacts associated with new development.
16. Disruption and noise during the construction works would be unbearable and restrict access and cause traffic issues.
17. Existing facilities within Tonyrefail such as doctors, schools, dentists are already full. There is no room for further new dwellings.
18. Disputed ownership of land.
  - Any development of the land off St. John's Road would only further reduce the inadequate amount of open space we have in the locality.
  - The land off St. John's Road has served as public green open space for over seventy years, being the last remnant of the farm land which previously occupied the site prior to 1950. As such, it has been a place where children were free to play within safe view of nearby homes, and it has also served as a venue for community gatherings over the decades.
  - Residents have shown beyond doubt that a tarmacked right of way has existed on the intended development site since 1950, a fact that is disputed by the Trivallis Housing Association. The footpath provides a direct link between Martin Crescent and Manley Close and requires re-surfacing after twenty years of neglect.

## **CONSULTATION**

**The National Grid:** Standard consultation response setting out that a separate application to National Grid would be required if a new connection or service alteration is needed.

**Dwr Cymru Welsh Water:** No objection subject to a condition in relation to surface water drainage.

**Transportation Section:** No objection subject to conditions.

**Flood Risk Management (Drainage):** No objection subject to a condition in relation to surface water drainage.

**Public Health and Protection:** No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

**Countryside (Ecology):** No objection subject to condition.

**Waste Services:** Standard response setting out that the bin collection points must be at the kerbside on St Johns Road.

**Housing Strategy:** No objection.

## **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 a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonyrefail and isn't allocated for a specific purpose.

**Policy CS2** – The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries and promoting residential development with a sense of place that respects the character and context of the area.

**Policy CS4** – Identifies that there is a need to provide 14385 new dwellings in sustainable locations during the plan period.

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

**Policy AW1** - The policy identifies how land will be made available to meet the housing land requirement figure, and does not include the development of unallocated land outside the defined settlement boundary.

**Policy AW2** – Supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4** - Details the criteria for planning obligations, including the community Infrastructure Levy (CIL).

**Policy AW5** – Sets out the criteria for new development in relation to amenity and accessibility.

**Policy AW6** – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

**Policy AW8** – only permits new development where its shown that there will be no harm to locally designated sites or unacceptable impact upon features of importance to landscape or nature conservation.

**Policy AW10** – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

**Policy SSA13** – 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.

### **Supplementary Planning Guidance**

- 22. Design and Placemaking
- 23. Delivering Design and Placemaking: Access, Circulation and Parking
- 24. Development of Flats
- 25. Planning Obligations
- 26. Affordable Housing

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all

planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the FW2040, with the following policies being relevant to the development proposed:

- 27. Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- 28. Policy 2 – Shaping Urban Growth – Sustainability / Placemaking
- 29. Policy 7 – Delivering Affordable Homes – SDP/LDP allocations and innovative approaches.
- 30. Policy 33 - National Growth Area - Cardiff, Newport and the Valleys: Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region.

Other national policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 18 -Transport

## **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 relates to the development of a vacant unallocated parcel of land located within the settlement boundary and an established residential area of Tonyrefail. Policies CS2, AW1 and SSA13 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, which are located within the defined settlement boundaries within the Southern Strategy Area.

The site is within the defined settlement boundary and is accessible by sustainable transport modes including bus, foot and bicycle. The site also has good access to key services and facilities, being located close to the retail centre of Tonyrefail. The site can therefore be considered a sustainable location in accordance with the other relevant criteria of Policy AW2.

It has also been set out by the Council's Housing Strategy Team that this social rented scheme has been designed by Trivallis in dialogue with them to help address the need for additional affordable housing within Tonyrefail. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23, and, as such, this proposal satisfies Policy SSA12 of the adopted Local Development Plan.

With regard the loss of open space which has featured heavily within the letters of objection received, in response to previous feedback on this matter on an earlier application for seven dwellings (22/0052/10) which was withdrawn in January 2022, the applicant has revised the proposals to retain and improve an area of amenity space to the south of the site, with three dwellings being omitted from the current scheme. It is considered this reduction in units is an appropriate compromise between the need for affordable housing in the area and the local resident's desire for open space to be retained.

Furthermore, it is not considered that the development will cause or exacerbate a deficiency of open space in the local area. As noted in paragraph 2.9 of the accompanying planning statement, there are several facilities in the local area including:

- Heol y Glyn children's play area (200m walking distance to the east).
- Capel Farm children's play area (400m walking distance to the east).
- Tyn-y-Bryn Park (1km walking distance south-west) which includes Multi Use Games Area (MUGA), football fields, cricket field, children's play area, formal paths and benches.
- Local informal open space areas immediately south opposite St. John's Road (10m to the south) and Capel Farm (400m to the east)

As such, it is considered that there is a good alternative supply of functional open space (equipped children's play area, teen provision, informal recreation and formal recreation) within walking distance of the site. It is also noted the site does not accommodate formal sporting use or children's play equipment and is not maintained to allow a functional use. As such, the principle of development is considered acceptable subject to an assessment of the below criteria.

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

The Rhondda Cynon Taf Local Development Plan supports proposals where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area (AW 5); where they are of a high standard of design which reinforces attractive qualities and local distinctiveness (AW 6); where they are appropriate to the local context in terms of siting, scale, appearance, height, massing, elevational treatment, materials and detailing (AW 6); and where they include the efficient use of land (AW 6).

In terms of the visual impact of the proposal, the development would be sited on a relatively spacious plot, directly adjacent to row of existing semi detached properties. The proposal would have a similar layout and orientation to the adjacent properties along Manley Close, being recessed into the site by approximately 8.4 metres with the principal front elevations facing towards the highway fronting the site. As such, whilst the proposal would inevitably impact upon the current open nature and appearance of the site, it is not considered to result in such an impact that would warrant a refusal of the application.

The submitted site layout plan indicates the site is large enough to accommodate the proposed units and associated works whilst also retaining the southern half of the site as green open space/grassland.

The proposal would also see landscaping that would reduce the visual impact of the built development and require retaining works which is considered to enhance the overall appearance of the green space. However, the plans submitted currently lack detail in this regard. As such, a condition for the submission of landscaping details has been set out below should members be minded to grant consent.

Furthermore, the materials proposed with a cement rendered finish is considered appropriate for the development with adjacent properties benefiting from a variety of rendered or dashed elevations. As such, the proposal is not considered harmful to the existing character and appearance of the locality and is considered acceptable in this regard.

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

As the site is located within settlement limits and in a predominantly residential area it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy.

With regard to the closest neighbouring property No. 2 Manley Close located to the west, this property would be separated by 5.1 metres and located alongside the proposed development. Therefore, the proposal would inevitably result in some impact upon this dwelling, but the resulting relationship would be no greater than already existing between properties in the vicinity of the site. In addition, with no fenestration on the side elevation of the unit closest to No.2, the proposal is also not considered to result in any additional opportunities for overlooking of No.2 Manley Close.

When considering the impact upon properties to the east along St. Johns Road, the closest dwellings 30, 32 and 34 St. John's Road are separated by approximately 21 metres on the opposite side of the highway. As such, whilst the principal elevation of these properties would face onto the development site, it is not considered that the resulting impact would be great enough to warrant a refusal of the application. In addition, although it is noted that the proposal would see side elevation windows facing towards these properties, when considering the separation distance set out above, it is not considered that the resulting impact would result in any adverse overlooking and loss of privacy.

Properties to the north on the opposite side of Manley Close are separated by approximately 28 metres and are elevated above the site. In addition, the properties are orientated so that their front elevation would not directly face onto the development with any views being oblique in nature. As such, it is not considered that the proposed development would result in any adverse impact on this elevation.

Whilst it is considered that the operation of the development would result in some noise and disturbance, the level of noise and disturbance would be typical of the residential character of the surrounding area and would not adversely impact upon neighbouring amenity.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **Highway Safety and Parking Provision**

A number of concerns associated with access and parking were set out within the objections received. Nevertheless, no objections were raised by the Council's Transportation Section who were notified during the consultation period in order to assess the suitability of the scheme with regard to highway safety and parking provision. The following comments were received:

#### Access

Access to the proposed flats is to be served off Manley Close which has a carriageway width of 5.0m and a 1.8m footway on the development side which is acceptable for access to the proposed 4 residential units.

#### Existing Adopted Footway

The submitted layout Plan LT2115.04.01 REV E indicates the existing adopted footway linking Manley Close to St. Johns Road will require stopping up with the footway moved 1.0m to the west to accommodate the new dwellings. There would be no objection to the proposal, however the applicant would require stopping up of the highway (footpath) under Section 247 of the Town and Country Planning Act 1990 prior to works commencing on site.

The new realigned footway would then require construction to an adoptable standard and be offered for adoption which can be conditioned accordingly. To avoid the stopping up process there is potential to redesign the dwellings approximately 1.0m to the east to avoid the requirement to stop up the footway with no impact on the existing alignment, however it is accepted this would require further assessment or a separate application. It is also noted that the proposed sustainable drainage measures impact on the existing footpath to remain and the attenuation pond will need to be relocated slightly to the east, this can be addressed as part of the detailed design and a suitably worded condition to require approval of the realignment of the footway link between Manley Close and Martin Crescent.

## Parking

The 4no. 1 bedroom apartments require 1 space per apartment and 1 visitor space taking the total required to 5 spaces in accordance with the SPG Flats 2015, with 6 spaces indicated on the submitted layout plan Revision E.

The proposed parking for the 1 bed apartments served off Manley Close uses the existing off-street car parking for existing residents increasing on-street car parking in an area where there is already considerable demand with narrow width of carriageway to the detriment of safety of all highway users. On-site inspection of the existing car park (5 spaces) showed that is fully occupied providing off-street car parking facilities for existing residents. The proposal provides 1 additional space and removes 4 for use of the existing residents which raises cause for concern.

The car parking spaces proposed for use of the new flats are in the ownership of the Council . Therefore, should the applicant wish to transfer these spaces for use of the development additional off-street car parking shall be provided to compensate the loss of the existing resident's car parking which has been conditioned accordingly.

## Conclusion

There is concern that the proposed development removes established off-street car parking for the existing residents. However, this concern can be overcome by a suitably worded condition requiring additional off-street car parking facilities to be provided within the site curtilage. The off-street car parking for the proposed using the existing off-street car parking provision complies with the SPG Flats 2015. The proposed requires stopping up of the existing adopted footway running from Manley Close to St. Johns Road with the footway realigned to maintain access between both streets which is acceptable.

Taking the above into account the application is considered acceptable in this regard.

## **Ecology**

The application is supported by the Wildwood Ecology October 22 Preliminary Ecological Assessment (PEA) for this site. The report has been reviewed by the Council's Ecologist who sets out that the PEA is an appropriate assessment and the conclusions that the amenity grassland that comprises the habitat of the site is of very low conservation value with negligible protected species potential and that no further surveys are required. As such, it is considered that the ecological impacts of the development are acceptable, but a condition for all details of biodiversity enhancement as recommended in the PEA should be attached to any consent.

In light of the above the application is considered compliant with the requirements of Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

## **Public Health and Protection**



The Public Health and Protection Division suggested a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

## **Drainage**

Following consultation, the Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard to surface water drainage from the proposed development. Nevertheless, as this development would require separate SAB approval it is not considered that these conditions would be necessary or required.

## **Other issues raised by the objectors**

The objectors set out that the development would be better located at an alternative site within Tonyrefail. Whilst this point is noted, as set out in the supporting information the applicant acknowledges this concern however other brownfield land suggested by the objectors within Tonyrefail is not within their ownership and is therefore not a viable option. Furthermore, LPA can only consider the application before them.

The objectors raise concern with regard the impacts upon parking, noise and disturbance through the construction period. It is appreciated that the noise and disruption from development on adjacent land, as well as the use of accesses via established residential areas, can be extremely trying for existing residents, despite the best efforts of a developer. However, whilst understandably unwelcome, the construction period of a development is a relatively short term process and disruption from that cannot be considered as a sustainable reason to refuse a development.

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.

## **National Sustainable Placemaking Outcomes**

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

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

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

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further below, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

31. **Creating and Sustaining Communities:** The development density is appropriate for the location and would contribute to the provision of affordable housing to meet specific needs within the Southern Strategy Area.
32. **Facilitating Accessible and Healthy Environments:** The application site is within walking distance of the main bus route and some local shops and services. Being within the settlement boundary it is considered to be a sustainable location. There is public open space within a short distance of the site and the development would provide safe accommodation and would promote mental well-being.
33. **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would foster economic activity.

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, and the scheme 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 £40 / sqm for residential development. The CIL (including indexation) for this development is expected to be £12384.94.

However, social housing relief may be claimed on the social housing element of the development and therefore no CIL would be payable.

## Conclusion

The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application site.

### **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans

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and documents received by the Local Planning Authority on 24/10/22, 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 on site until design and construction details of the proposed realigned footway link between Manley Close and Martin Crescent, as shown on drawing LT2115.04.01 REV E, have been submitted to and approved in writing and implemented to the satisfaction of the Local Planning Authority prior to removal of the existing adopted footway.

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

4. Notwithstanding the details shown on the approved plans, development shall not commence until design and details of a new car parking area with a minimum of 4 additional spaces has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to construction of the new flats on site.

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

5. Prior to the development being brought into use, an extended vehicular footway crossing on Manley Close and new crossover for the additional car parking area shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

6. Surface water run-off from the proposed development shall not 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 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. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in Section 5 of the Wildwood Ecology, Preliminary Ecological Appraisal Report, dated October 2022.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of 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.

10. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

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