

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2023-2024:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
8<sup>th</sup> FEBRUARY 2024  
  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

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

**APPLICATION NO:23/1056/10 –  
4 semi-detached dwellings and 1  
detached dwelling (resubmission of  
21/0373/10), LAND BETWEEN 37 TO 43  
TREBANOG ROAD, TREBANOG, CF39  
9EP**

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

That Members consider the 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 Planning and Development Committee meeting of 25th January 2024. A copy of the original report is attached below as Appendix A.

Members resolved that they were minded to refuse the application, contrary to the recommendation of the Director for Prosperity and Development, due to concerns about the location of the site and the impact of its development upon highway safety

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

**4. PLANNING ASSESSMENT**

During the Committee debate Members recognised that the site is located within the settlement boundary where the principle of development would be acceptable and no other material concerns, such as matters relating to design and layout or the amenity impact of this small housing development, were raised.

Nevertheless, the planning history for the site demonstrated that previous applications had been refused, either in part or in whole, because of the proposed new vehicular access from the Trebanog Road (A4233). This access would be necessary to enable acceptable off-street parking provision within a small car park to the rear of the new dwellings.

The highway reasons for refusal of those earlier applications were due to the inability of the development to provide vision splays in accordance with PPW TAN 18 and Manual for Streets for a highway with a 30mph speed limit.

However, as with the majority of residential streets throughout Wales the speed limit on this part of the A4233 has recently defaulted to 20mph. This meant that the vision splay requirements stipulated by TAN 18 and Manual for Streets would be correspondingly lower. As the report at Appendix A sets out, the Council's Highways and Transportation Section advised that the proposed development, together with its new access, would now be technically acceptable.

Conversely, the consultation response from South Wales Police stated that compliance with the new speed limit at this location would be difficult to achieve due to the topography of the area. Moreover, that this part of the A4233 has no scope for a speed enforcement site and is not a suitable location for traffic calming measures, thus there may be very little change in vehicle speeds.

In addition to the above, Members noted the objections received from neighbouring residents, the concerns expressed by the public speaker at Committee and their own experiences of using this busy route – including overtaking by drivers frustrated by and unwilling to comply with the 20mph limit and unreported minor accidents.

Therefore, although the access of the proposed development would align with TAN 18 and Manual for Streets and be policy compliant in theory, Members were doubtful that compliance would likely be achievable in practice and that the new access would prove to be a dangerous addition to a very busy arterial route.

Consequently, in light of the conflicting advice from the aforementioned statutory consultee and doubt about the enforceability of the 20mph speed limit, Members decided to give greater material weight to the concerns raised by South Wales Police and resolved not to support the proposed development.

Taking the above considerations into account the following reason for refusal is recommended:

**The proposed development has not satisfactorily demonstrated that it would be able to provide a safe access to the highway network and would therefore increase potential hazards to the detriment of safety of all highway users and free flow of traffic.**

**Therefore, the development would be considered not to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.**

**PLANNING & DEVELOPMENT COMMITTEE**

**25 January 2024**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1056/10 (GH)  
**APPLICANT:** PK Norman Associates  
**DEVELOPMENT:** 4 semi-detached dwellings and 1 detached dwelling  
(resubmission of 21/0373/10)  
**LOCATION:** LAND BETWEEN 37 TO 43 TREBANOG ROAD,  
TREBANOG, CF39 9EP  
**DATE REGISTERED:** 22/09/2023  
**ELECTORAL DIVISION:** Cymer

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

**REASONS:** The proposed development of four houses would be located in a sustainable position within the settlement boundary and compatible with the neighbouring land uses, which are mostly residential in nature.

The design and scale of the new dwellings would be appropriate to the size of the site and character of the neighbourhood and would not be considered detrimental to highway safety or third part amenity.

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**REASON APPLICATION REPORTED TO COMMITTEE**

Three or more letters of objection have been received

**APPLICATION DETAILS**

Full planning permission is sought for the erection of 5 dwellings on land between 37 and 43 Trebanog Road. This is a re-submission of application reference 21/0373/10, which was refused for the following reason:

*The proposed development lacks a satisfactory vision splay onto Trebanog Road (A4233) which is a classified road and would increase potential hazards to the detriment of safety of all highway users and free flow of traffic. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.*

The current application is identical to that previously proposed, comprising one detached dwelling and four semi-detached dwellings to be arranged fronting Trebanog Road.

As per the earlier application a new vehicle access from Trebanog Road would be provided with an open parking area at the rear of the site. An access path to the land behind the site, between number 37 and plot 1, would be maintained.

The application has been resubmitted on the basis that the vision splay requirements for the site access would now be acceptable, due to the implementation of the 20mph default speed limit in Wales.

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

- Travel Plan Statement
- Updated Ecology Surveys: Reptiles, Breeding Birds and Habitat Assessment (dated June 2020)
- Illustrative 3D street scene drawings

## **SITE APPRAISAL**

The application site relates to an irregularly shaped piece of land located between no.'s 37 and 43 Trebanog Road. The site itself is set within a fairly large plot with a road frontage of approximately 47m onto Trebanog Road. Immediately behind the pavement is a wall retaining the higher land of the application site.

The site is covered in vegetation, including a few small trees, and is open to the countryside beyond. A small watercourse is evident to the eastern part of the site. There is also a bench located near to the front of the site and an informal path travels from the pavement, on the western side of the site near to the bench, and diagonally across the site.

The surrounding area is predominantly characterised by a mixture of historic valley terraces and more modern housing types featuring houses with detached and semi-detached properties within plots of various sizes.

## **PLANNING HISTORY**

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

**21/0373/10:** Proposed 4no. semi-detached dwellings and 1no. detached dwelling (Amended site plan '302/05 Rev F' received 17th February 2022).  
Decision: 12th October 2022, Refused.

**20/0072/10:** 4 no. semi-detached dwellings and 1 no. detached dwelling. Decision: 14th April 2020, Refused.

**19/5029/41:** Semi-detached dwellings and detached dwelling (Pre-Application Advice). Decision: 25th March 2019, Raise Objections.

**18/5131/41:** Two storey building comprising 6no. flats and access (Pre-Application Advice). Decision 22nd October 2018, Raise Objections.

## **PUBLICITY**

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

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

### Traffic / Highway Safety

- Traffic travelling down Trebanog road could suddenly be faced with a queue of cars behind a vehicle waiting to turn right into the development. There have been many accidents on this hill.
- Not everyone is going 20mph they are still going the speed they were before (30-40mph). Also, the volume of traffic is increasing all the time.
- Trebanog hill is well known for multiple collisions, some of these being major accidents.
- Cars will slow outside my house causing more noise/pollution at peak times.
- Two crashes have occurred into my property already due to speeding so increased activity in that area would be dangerous. Lorries are always stalling trying to get up the hill on that bend. There has already been a well-documented catalogue of crashes and this development will only add to it.

### Drainage

- A spring that runs through the gardens at the back of our property and any building could disturb this and cause flooding to the properties and gardens.
- There is also a culvert on this land which again if blocked would flood if not for the water spout.
- The spout is a historic landmark which has been there for around 70 years. I have continued to maintain the grounds of the landmark for around 20 years and first helped to do this as a young boy with the help of my father.
- This historic landmark continues to provide clean drinking water to the locals of the area and also any by passers. The ground above the spout also contains multiple wells that continue to provide the water to the spout.

### Amenity

- The development will block my light and view and will be overlooking my house as they will be facing me directly.

#### Ecology

- The plans make no mention of foxes which are seen regularly along with many protected species.
- The site also contains Japanese knotweed that cannot be built on

#### Other / Non-Material Matters

- Possible damage to my property and boundary wall from construction
- Occupier may have to park further away from the house if a new junction requires existing double yellow lines to be extended.
- The grounds of the entrance point of these plans includes a memorial ground and also has a memorial bench there.

### **CONSULTATION**

#### Highways and Transportation

No objection, subject to conditions

#### Flood Risk Management

No objection but a condition is recommended in relation to surface water management.

#### Public Health and Protection

No objection subject to conditions on demolition of dwellings, hours of operation, noise, dust and waste. The proposed development will be within an Air Quality Management Zone; however, due to the size of the development and types of dwellings being proposed, there will be no requirement for an Air Quality Assessment.

#### Dwr Cymru Welsh Water

No objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Advisory notes with regard sustainable drainage and water supply have been provided.

#### National Grid

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

### Countryside – Ecologist

The application is a resubmission, so previous comments and requirements for mitigation conditions apply. The requirement to deliver a Habitat Management Plan via a Section 106 agreement for the mitigation area previously agreed remains.

Therefore, there would be no ecological objection subject to a Habitat and Wildlife Protection Plan condition which would incorporate mitigation measures from the Acer Ecology Report recommendations, and a S106 Agreement HMP for management of the SINC mitigation/enhancement and a grass fire buffer.

### Natural Resources Wales

NRW has no objection and notes that the Habitat Assessment and more recent walkover survey have not identified that any protected species using the site.

### South Wales Police – Traffic Section

The Police still have some concerns with regards to the vision splay from any potential junction to a new development. Unfortunately, although there is now a default 20mph limit in place compliance at this location will be difficult to achieve due to the topography of the area. The A4233 at the location outlined has a gradient of almost 17% and vehicles may likely be accelerating up this gradient to maintain vehicle momentum, and likewise on the downhill gradient drivers will find it difficult to maintain 20mph. Consequently, there may be very little change in vehicle speeds with no scope for a speed enforcement site, and the A4233 not a suitable location for traffic calming measures.

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

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it 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.

The application site lies within the settlement boundary for Trebanog.



The whole of the site is identified as part of a Site of Importance for Nature Conservation (SINC) as Trebanog Slopes and is adjacent to a Special Landscape Area identified as Mynydd y Glyn & Nant Muchudd basin. The site also lies within the designated Rhondda Historic Landscape.

**Policy CS1** - sets out criteria for achieving strong sustainable communities including promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW1** - concerns the supply of new housing within the Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

**Policy AW2** - provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

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

**Policy AW6** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

**Policy AW8** - seeks to protect the natural environment from inappropriate development and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation. Development proposals must be accompanied by appropriate ecological surveys and should demonstrate a net biodiversity gain.

**Policy AW10** - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability, flooding, pollution, or any other identified risk to local amenity and public health; unless it can be demonstrated that such risks can be overcome.

**Policy NSA10** - permits proposals with the net residential density is a minimum of 30 dwellings per hectare but recognises that this may vary depending on the characteristics and specific context of a site.

**Policy NSA12** - 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. Any contamination or land stability issues must be remedied and developments should not adversely affect the provision of public open space.

## **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements
- Planning Obligations
- The Historic Built Environment
- Nature Conservation

### **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;

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

#### **Principle of the proposed development**

The application site is located in the Northern Strategy Area, on land adjacent to the A4233. The site is within the defined settlement boundary in accordance with LDP Policy NSA12.

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

The minimum net residential density permitted by Policy NSA10 is 30 dwellings per hectare. The site is approximately 0.11 hectares, resulting in a net residential density of approximately 45 dwellings per hectare and which exceeds the threshold set out by the policy.

In terms of Policy AW2 the development would be compatible with surrounding land uses and there are no environmental factors, such as flooding or land contamination, that would present an unacceptable risk to the site being developed.

In addition, the site located on a bus route, with links to the national rail network at the Porth transport hub. There are also some shops and facilities within walking distance of the site at Trebanog and Cymmer, albeit it is recognised that the terrain is steep.

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

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

The proposed development is for the construction of five dwellings which would be positioned in a line facing towards the main road. This layout would be complimentary to the existing neighbouring properties and represent an appropriate density of development.

The design, size and scale of the dwellings is also considered acceptable, and although there is a concern that parking area to the rear would have some urbanising impact on the character to the rear of the site, the application area is wholly within the settlement boundary.

Furthermore, it is noted that that some gardens to either side of the site are in line with the car park area and seen in the wider context of how the built environment relates to the edge of the settlement boundary in this part of Trebanog, it is considered that this issue would not cause a reasonable ground for refusal.

The proposed development is therefore considered to be acceptable in terms of its design, siting, massing, scale, materials and overall visual appearance.

### **Impact on neighbouring occupiers**

Some objections have been received, as a result of the public consultation exercise, detailing the development would result in a loss of privacy and would also impact on light reaching their dwellings. It is however considered the proposed dwellings are of a sufficient distance from others so as not to result in a significant impact from over shadowing or detriment to outlook.

In terms of overlooking, the dwellings would look towards those on the opposite side of Trebanog Road from a potentially higher level. It is noted that the distance between plot 1 and the dwellings opposite would be the closest at approximately 15m. Whilst there may be some overlooking impact and the concerns of local residents are noted, the proposed dwellings, would be at a similar distance to the affected properties as the existing dwellings either side of the site.

In addition, this situation is seen in many areas of the County Borough where rows of traditional Victorian terraced dwellings directly face each other across a street. On balance, given the surrounding settlement pattern it is considered this issue would be acceptable.

The garden of plot 1 would also be close to the boundary of number 43. The current boundary treatment comprises a stone wall in poor condition. Due to the overgrown nature of the site, it is difficult to assess the full impact of the development on the amenity of the occupiers.

Consequently, it is considered if permission were to be granted it would be necessary to obtain clarification of the proposed levels and boundary treatments, details of which could be required by a suitably worded condition.

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

## **Access and highway safety**

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

### *Access*

The application site would be served from Trebanog Road A4233 which is a principal classified road with a substantial amount of vehicular traffic, due to being a link between the A4119 and A4058. Trebanog Road has a carriageway width of 11.m and 1.8m wide footways both of which would be acceptable in respect of accessing the proposed development.

Typical of the valleys topography the gradient of Trebanog Road falls steeply between Trebanog and Cymmer with signage indicating a gradient of 16% (Approx 1 in 6.25) and a pedestrian handrail has been provided to assist pedestrian movement along the undeveloped site frontage.

There are double yellow lines on the development side preventing on-street car parking with limited off-street car parking available on-street for residents opposite.

### *Private Shared Access*

The Applicant has proposed to provide a 5m wide vehicular access leading to a parking court for residents of the new dwellings. The access as indicated shows radii kerbing which is not acceptable and would need to be replaced by a vehicular crossover. This matter is included as part of a condition for engineering design and detail of the access and vision splays.

### *Vision Splays*

In accordance with TAN 18: Transport / Manual for Streets 2 the required vision splays are 2.4m x 35m downhill and 2.4m x 23m uphill for a 20mph speed limit, which also includes the 16% gradient of the former. The speed limit on this road has recently defaulted to 20mph along with the majority of residential streets throughout Wales.

The site layout drawing number 302/05 REV F indicates vision splays of 2.4m x 40m will be provided which is in excess of the requirement as set out in Manual for Streets and TAN 18 Transport.

### *Parking*

In accordance with the Council's SPG for Access, Circulation & Parking, the proposed 3 bed dwellings require a maximum of 3 spaces per plot, the 4 bed dwelling requires a maximum of 3 spaces, together with 1 visitor space, giving a total of 15 spaces with 12 provided.

However, there would be a minimum of 2 spaces for the 2 bedroom dwellings and 3 spaces for the 4 bed dwelling with potential to park in the shared access whilst still maintaining access. The sustainable location and the prevailing guidance within PPW 11 and Future Wales 2040, which advocates lower levels of parking provision for new development, means that the proposed parking provision is considered acceptable.

It is noted that objectors have raised a concern that the off-street car parking proposed to the rear of number 43 would prevent potential for rear access to the existing dwellings with potential off-street car parking provided, however, the residents do not own the adjacent land to deliver such an access and if required could improve their rear access from the existing lane between Nos 49 and 50 Trebanog Road.

### *Local Amenities*

The site is located in a sustainable location close to public transport and a number of facilities. However, taking into account the topography of Trebanog Road A4233 leading to the proposed it is likely that that the proposed site would have greater reliance on the private motor vehicle. Nevertheless, given that Trebanog Road serves a large number of dwellings with similar constraints and acceptable parking provision and objection would not be warranted.

### *Accident Data*

Local residents have indicated that there have been a number of accidents within the vicinity of the site. However, the latest accident data for 2018-2023 has been obtained, with one reported accident within the vicinity of the site for which the contributing factor was defective brakes on a public service vehicle. This resulted in a collision with a number of vehicles travelling or parked on the highway. The recorded accident is an exceptional occurrence and the accident data does not indicate any groups or clusters of accidents.

### **Ecology**

The Council's Ecologist has advised that site is part of a Site of Importance for Nature Conservation (SINC) no.49, comprising a large valley side with a rich habitat mosaic, which the development would affect a corner of.

However, following an earlier site visit with the Applicant, during which measures for biodiversity and habitat management plans were discussed, the Ecologist advised that the development would be acceptable subject to a condition and S106 agreement, as outlined further above.

### **Drainage and Flood Risk**

Local residents have objected to the watercourse (referred to as the 'spout') being built over due to it being a historic feature. It was evident on site that there is a watercourse, but it is overgrown. Whilst the 'spout' may be a local historic feature, it is not a recorded historic asset and its loss would not be considered to warrant a refusal of the planning application.

Turning to the impact on flooding, the submitted plans do not identify how the watercourse would be dealt with, however it is assumed the watercourse would have to be culverted. Council records indicate that Natural Resources Wales identifies there is a low risk of flooding from the watercourse through the site.

It is noted that an application demonstrating compliance with the Statutory Sustainable Drainage System (SuDS) Standards for the design, construction, operation and maintenance and operation of surface water systems serving new developments, must be submitted to the Suds Approval Body (SAB). In addition, an application for Open Watercourse Consent may also be required for works to the watercourse.

Both of these would be required outside the planning application process and any necessary permissions put in place prior to works commencing.

Therefore, taking account of the above, there is no objection in this regard.

### **Other matters**

An objector has stated that views would be lost as a result of the proposal. Whilst the dwellings may impact the outlook or residents on the opposite side of Trebanog Road this is not a reason that would warrant a refusal reason of the planning application.

Another objector details that the development may result in an impact on their foundations and another has concerns that their stone boundary wall may be damaged from the proximity of boundary treatment. The dwellings would be some distance from the foundations of the existing dwellings, either side, and any damage to a boundary wall during construction would be a matter for the landowners. It is considered these issues are outside the remit of this planning application.

A further objection relates to the loss of the existing bench. Although publicly accessible, the bench and any memorial use or feature are on private land and this would not warrant a sustainable reason to refuse development.

### **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 application lies within Zone 1 of Rhondda

Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

## **Section 106 Contributions / Planning Obligations**

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms,
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case**

In this case the proposed development would provide five market houses.

In order to ensure a net biodiversity gain, in accordance with local and national planning policy, a S106 agreement would be required to arrange a Habitat Management Plan for the SINC mitigation and enhancement areas, together with a grass fire buffer, in respect of adjoining land within the Applicant's ownership, but which is not within the area of the red line site location plan.

### **Conclusion**

It is considered the development would be acceptable, both in respect of the character and appearance of the locality and the residential amenity of the surrounding neighbouring residents.



In addition, the ability to provide suitable visibility splays, now that the default speed limit has been reduced to 20mph along the A4233, means that the access to the application site will comply with PPW TAN 18 and Policy AW5 of the Local Development Plan, the latter requiring new development to have safe access to the highway network.

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

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

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

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

- 302/01 Rev C
- 302/02 Rev C
- 302/05 Rev F
- 302/06 Rev B
- 302/07 Rev A
- 302/08 Rev B
- 302/09
- 302/11
- 302/14

and details and documents received on 19th September 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings 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.

4. No development shall commence until details of a scheme for the management of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme, which shall demonstrate

compliance with the requirements of Section 8.3 of PPW Technical Advice Note 15, shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

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

5. No development shall commence until details of the design and construction of the proposed access, works to the public highway for provision of vehicular crossover, vision splay and relocation of pedestrian hand rail have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the first dwelling.

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

6. No development shall commence until details and design calculations of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of highway safety 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 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,
- h) hours of operation,
- i) measures for the control of noise from construction,
- j) site lighting during construction,
- k) measures for the suppression of dust

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

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

8. No development shall commence until a Habitat and Wildlife Protection Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include all recommendations and required actions set out within Section 5 of the Updated Ecology Surveys: Reptiles, Breeding Birds and Habitat Assessment Report (Acer Ecology, dated June 2020).

Reason: In the interest of biodiversity mitigation and enhancement and the protection of the natural environment, in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence until details of all boundary treatments and pre and post-development site levels have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interest of the amenity and privacy of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. 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 Local Planning Authority.

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

11. Before the development is brought into use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted plan 302/05 REV F.

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

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