

PLANNING & DEVELOPMENT COMMITTEE

11 April 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1276/13 (KL)
APPLICANT: Mrs R Friel
DEVELOPMENT: Outline Application with all matters reserved for 4 detached dwellings with double garages (Resubmission of planning ref. 23/0143/13) (Amended Plan Rec. 25/01/24)
LOCATION: LAND AT MOSS PLACE, ABER-NANT, ABERDARE
DATE REGISTERED: 09/11/2023
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve, subject to conditions

REASONS: The application site is situated in a sustainable location and within an area which is predominantly residential in character. As such, the principle of developing the site for residential purposes is considered acceptable. Furthermore, the application demonstrates that the proposed development (within the parameters presented) could be accommodated within the site without resulting in an adverse impact upon the character and appearance of the surrounding area or upon the amenity and privacy of neighbouring properties. The application further demonstrates that acceptable access arrangements could be provided to ensure no adverse impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;
- A request has been received from Councillor Bradwick for the matter to come to Committee to enable the scale of the development to be considered.

APPLICATION DETAILS

Outline planning permission is sought for the construction of 4 no. detached dwellings with garages, associated access and parking on a vacant parcel of land at Moss Place, Abernant, Aberdare. All matters are reserved for future consideration.

The application is accompanied by an indicative site layout plan which indicates that the dwellings would be constructed around the perimeter of the site, each being served by private driveways off the main shared driveway and turning head, with access being served off Moss Place to the east. The dwellings would each have off-street parking on their respective driveways and in double garages. All of the dwellings would have private gardens to the rear and side elevations.

As scale is a matter reserved for future consideration, a range of minimum and maximum scale parameters are provided for the proposed dwellings:

Dwellings

	Minimum	Maximum
Width	7.5m	14.0m
Depth	6.5m	10.0m
Height to eaves	4.2m	5.5m
Height to ridge	6.5m	8.5m

Garages

	Minimum	Maximum
Width	5.0m	6.5m
Depth	5.0m	7.0m
Height to eaves	2.1m	3.5m
Height to ridge	2.5m	5.5m

The application is accompanied by the following:

- Coal Mining Risk Assessment

SITE APPRAISAL

The application site consists of an irregular shaped parcel of land, measuring approximately 2100sqm in area. It is relatively flat in ground profile, although it is noted that there are level differences between the site and neighbouring properties to the south, north-west and north-east. Access to the site is from Moss Place to the east, which is a Public Right of Way (ABD/41/1).

The site is bound by an unmade track to the north-western boundary which is also a Public Right of Way (ABD/42/2). Two residential properties are situated on the other side of the track (Glen Roy and Sunnybank) whilst a further residential property (Glas-Fry) is situated at the north-eastern corner of the site. Richmond Gardens, a residential cul-de-sac of 6 no. large, detached properties, is situated to the south of the site.

Sunnybank, Glen-Roy and Richmond Gardens are all situated at a lower ground level to the site, whilst Glas-Fry is situated at a higher ground level.

PLANNING HISTORY

The following planning applications are on record for the adjacent site, which in part extend to the current application site:

23/0143	Land at Moss Place, Abernant	5 detached dwelling with double garages	Refused 20/07/23
15/0544	Land at River Level Tips, Abernant	Variation of condition 1(C) of permission 10/0309/15 to extend the period for the submission of reserved matters for a further 3 years	Granted 19/12/16
10/0309	Land at River Level Tips, Abernant	Variation of condition 1b of outline permission 05/0134 (for residential development) (as varied by 08/1193) to extend period for submission or reserved matters and to allow phased implementation of development.	Granted 15/02/12
09/0721	Plot 2, Abernant River Levels Site, Abernant	Construction of a new dwelling	Granted 21/01/10
08/1193	Land at River Level Tips, Abernant	Variation of condition 1 on outline application 05/0134/13. Vary condition so that reserved matters can be made before the expiration of 5 years and that development will begin before the expiration of 7 years from the date of the outline permission.	Granted 13/10/08

08/0507	Land at River Level Tips, Abernant	Provision of new access (reserved matters).	Granted 23/06/08
08/0305	River Levels Site, Abernant	Erection of 7 No. detached dwellings	Granted 11/04/07
07/1288	River Levels Site, Abernant	Erection of 7 No. detached dwellings.	Refused 22/01/08 Appeal: Withdrawn 04/09/08
07/0018	Land at Lower River Level Tips, Abernant	Erection of 7 no. dwellings (reserved matters)	Granted 11/04/07
05/0134	Land at River Level Tips, Abernant	Proposed residential development (Outline)	Granted 18/10/06
04/0418	Land at Lower River Level Tips, Abernant	Residential Development (Outline)	Refused 28/04/04

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. A total of 4 no. letters of objection have been received, which are summarised as follows:

Character and Appearance

- The development is inappropriate for the relatively small site and in the context of the local housing.
- The development presents overdevelopment of the site.
- This is a semi-rural area where properties are generally detached houses or bungalows with sizeable gardens.
- The development is just as high-density and congested as the previously refused application.
- Insufficient information is provided to enable the impact of the development to be properly assessed.
- This application is in addition to an application for 2 further dwellings to the south (by the same applicant), taking the total number of dwellings up to 6.

Residential Amenity and Privacy

- The plans lack specific details which makes it difficult to visualise the possible impact upon surrounding properties.
- The development will likely consist of two or three storey dwellings which will result in overshadowing and overlooking as well as impacting on light and views.
- Neighbouring properties to the north-west of the site are situated at a lower level to the site and given the orientation, the morning and much of the afternoon light will be blocked from the house and gardens.
- The dwellings will be in excess of 5 plus metres higher than properties to the north-west which is unacceptable, particularly given their proximity.
- The survey data is inaccurate and misleading as the developer has cleared and further levelled the site.
- Approval of the development will negate the point of development works currently taking place at Glen-Roy (ref. 22/0198) which is undergoing roof alterations to accommodate an attic conversion, including a floor to ceiling dormer.
- The development would mean that the approved dormer at Glen Roy would have a view of garages and a house relatively close.

Highways

- The lane access to the site is narrow with two passing places which is in a poor state of repair.
- The road is well used by walkers, cyclists and horse riders.
- The road has no footpaths or segregated active travel facilities.
- The development would significantly increase traffic numbers and result in congestion and dangerous situations for walkers and cyclists.
- Adding both construction traffic and additional residents' traffic will contribute to further deterioration of the only traffic route in this area.
- The development will increase congestion at the junction with Abernant Road.
- The junction does not meet highway design standards.
- The development will increase the houses from 7 to 13 without the junction or road improvement.

Drainage

- The existing drainage system already has periodic issues with blockages and without significant improvements to the system, another 4 properties, plus others in the pipeline, will create more problems.
- Concern is also raised with regards to the intention to use a soakaway.
- The ground is old tip and the soil extremely permeable and loose.
- A soakaway system cannot be good or safe and if located too close to boundary slopes, could have a detrimental effect on stability.

Ecology and Wildlife

- The developer has systematically cleared the waste ground over the last year, with no regard for the environment, and no environmental survey has been carried out.
- To state that there are no rare or protected species there is at best optimistic.
- There were a number of reptiles and innumerable birds living on the site.

Land stability

- The retaining wall overlooking Richmond Gardens was engineered in the context of the site being an old tip with no building weight.
- The gabion wall to the northern boundary has been poorly constructed.
- The boundary features are inadequate to support the proposed dwellings.
- There is history of mining subsidence on the site.

Other

- The area experiences relatively low water pressure which will not be helped by these properties.
- The site was most definitely not used for grazing – it has been a tip for many decades.
- There is Japanese Knotweed present on the site which has not yet been treated.
- The delay in neighbour letters reaching residents is disappointing.
- Concern is raised that objections (as those raised in this application) were raised in the previous application, which were not addressed.
- Concern is raised with regards to the impact of construction works and construction traffic.

Further consultation was undertaken with residents (direct neighbour notification and site notices) upon receipt of an amended plan. A further letter of objection has been received from the author of a previous letter, **which reiterates their previous objections.**

CONSULTATION

The following consultation responses have been received:

Ecology: No objection, condition recommended in respect of biodiversity enhancement measure in the form of bird nesting bricks in the new buildings.

Flood Risk Management: No objection, condition recommended.

Glamorgan Gwent Archaeological Trust: No objection.

Highways and Transportation: No objection, condition recommended.

National Grid: Advises that a separate application will need to be made to National Grid if a new connection or service alteration is required.

Natural Resources Wales: No objection. Advice provided in respect of foul drainage.

Public Health and Protection: No objection, conditions recommended in respect of contaminated land.

Welsh Water: No objection, condition and advisory notes recommended.

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 is unallocated and located inside the defined settlement boundary for Aberdare. The following policies are considered relevant in the determination of this application:

Policy CS1 (Development in the North): sets out criteria for achieving strong, sustainable communities.

Policy AW2 (Sustainable Development): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 (Protection and enhancement of the Natural Environment): seeks to preserve and enhance RCTs natural heritage by protecting it from inappropriate development.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA10 (Housing Density): requires residential development in the Northern Strategy Area to have a minimum residential density of 30 dwellings per hectare.

Policy NSA12 (Housing Development within and adjacent to Settlement Boundaries): permits residential development within defined settlement boundaries.

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking

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 12 (PPW) was issued on 7th February 2024 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
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.

Application Background and Main Issues

The application has been submitted following the refusal of a previous application (planning ref. 23/0143), which proposed 5 no. detached dwellings with double garages at the site. The application was refused on 20th July 2023 for the following reason:

At the maximum parameter range, the proposed development by reason of its siting, scale and orientation to the neighbouring property to the north west (Glen-Roy), would result in an overbearing form of development, to the detriment of the level of residential amenity currently enjoyed by those occupiers. As such, the proposal is considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.

This current application therefore seeks to overcome the previous reason for refusal with amendments being made to reduce the number of dwellings proposed.

The key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition, it will also be necessary to consider whether the site is capable of accommodating the proposed dwellings, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings, and the character and appearance of the area. The implications of the development upon highway safety in the vicinity of the site is a further consideration.

Principle of the proposed development

The application site is located inside the defined settlement boundary for Aberdare. The site is also located within an established village setting, albeit at the periphery of the settlement, where the surrounding area is predominantly residential in character. As such, the general principle of developing the site for residential purposes is considered acceptable. However, this is only the case if all other matters, relating to amenity impacts, character impacts and highway safety can also be satisfied. These matters will be considered in detail in the following sections.

Character and Appearance

The application seeks outline planning permission for the construction of 4 no. detached dwellings with double garages and their associated access, on a vacant parcel of land situated to the north of the existing Richmond Gardens development.

The site extends to approximately 2100sqm which is considered physically large enough to accommodate 4 no. dwellings and associated amenity space and parking. However, consideration must also be given to how the development of the site would relate to the character and existing pattern of development in the vicinity of the application site.

It is noted that following the publicity of the planning application, a number of objections have been raised on the grounds that there is a lack of detail provided with the application to enable a full assessment of the potential impact of the proposed development, and also that the increased density of the development presented would be at odds with the character of development in the area.

In terms of the lack of detail, it must first be noted that the application is made in outline with matters relating to layout, scale and appearance being reserved for future consideration. As such, the applicant is not obliged to provide detailed drawings to demonstrate the detailed layout, design or elevation details of the dwellings at this stage. Notwithstanding this, the submission is accompanied by an illustrative site layout plan and minimum and maximum dimensions for the dwellings, as required in any application for outline planning permission. The final details of any final scheme would be agreed as part of a subsequent reserved matters application in which the scale of any dwelling will be required to be within the parameters set out outline stage. The Local Planning Authority would still retain the power to refuse any reserved matters application which was considered unacceptable in this or any other regard.

With regard to the matter of density, it is noted that the previously refused planning application for 5 no. dwellings was considered acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area. The report for that application indicated that although surrounding properties appeared to be set within more generous plots than those presented in that scheme, due to the variation in character of the surrounding area, it was not considered that the subdivision of the plot to form 5 no. development plots would result in a form of development that would be harmful to the character and appearance of the site. Furthermore, it was noted that whilst each plot was somewhat smaller than those visible in the adjacent Richmond Gardens (around 350sqm as opposed to around 600sqm), the proposal was in accordance with the housing density requirements of Policy NSA10, which states that residential development will be permitted where the net residential density is a minimum of 30 dwellings per hectare.

In the case of this application, the net residential density is below that specified in Policy NSA10 with a density of around 20 dwellings per hectare; however, it must be noted that that policy also allows for a lower density where it can be demonstrated that a lower density is necessary to protect the character of the site or the surrounding area. The reduction in the number of houses in this scheme has resulted in the area for each plot being increased to, on average, around 500sqm which is closer to that of the Richmond Gardens development. As such, it is not considered that the density of the proposed development is significantly out of keeping with the surrounding area,

nor is it considered that it would adversely impact upon the character of the surrounding area.

Furthermore, there is some variation in terms of the character of the surrounding area with existing properties varying in scale, design and overall visual appearance. Whilst properties on Richmond Gardens are undoubtedly substantial properties with a more modern appearance, there are numerous properties to the north and west of the site which are more traditional and of a more modest scale. As such, it is not considered that 4 dwellings of the scale parameters proposed would be out of character with the surrounding area. Additionally, and as indicated above, the detailed design of the proposal is not for consideration in the determination of this application and any future reserved matters scheme would be considered in the context of the surrounding area.

As such, it is not considered that the division of the site to form four development plots, would result in a form of development which would be so harmful to the character and appearance of the area that would warrant refusal of the planning application on these grounds. Therefore, the proposal is considered to comply with the requirements of polices NSA12, AW5 and AW6 of the Local Development Plan.

Residential Amenity and Privacy

As set out above, a number of residential properties are located adjacent to the site, therefore, it is important that the privacy and amenity of existing neighbouring residents is safeguarded.

It is noted that the application is made in outline, with all matters reserved for future consideration and, as such, the final layout of the site would not be approved as part of this planning application. However, the application is accompanied by an illustrative layout, which is intended to provide an indication of the way in which four detached dwellings and their associated garages may be developed on the site.

Whilst the previous application provided for 5 no. dwellings which were shown to be 'pushed' towards the rear of their respective plots, this current application for 4 no. dwellings has enabled more room within each plot to allow the dwellings to be brought in from their respective outer boundaries and for plots 2 & 3 to be positioned at the north-eastern and western corners of the site respectively with the garages being positioned in the area of the previously proposed plot 3. This would reduce the overall impact previously identified in the refused application by some degree with the dwellings being positioned approximately 17.5m and 14m away to the east (plot 2) and south-east (plot 3) respectively. As a result of this, plot 2 would result in some overshadowing to Glen Roy during the early morning period only, whilst plot 3 would result in some overshadowing to the front boundary of Glen Roy around midday. This would also result in the potential for any overlooking towards Glen Roy to be removed with habitable windows in the proposed dwellings being positioned away from the neighbouring dwelling.

Furthermore, the garages are of a much-reduced scale in comparison to the previously proposed plot 3, with these being brought in from the boundary by 2m, resulting in a separation distance of approximately 10.5m between the garages and Glen Roy. With a finished floor level of 172.00 AOD, the garages would sit approximately 2m below the eaves height of Glen Roy (174.38 AOD) and, with a maximum scale parameter of 3.5m in height to the eaves and a pitched roof design measuring to a maximum of 5.5m, it is not considered that they would result in an overbearing or overshadowing impact that would be so significant that it would warrant the refusal of this outline application. Furthermore, in order to fully demonstrate that the development would not have any adverse impact on neighbouring properties to the north-east, it is considered necessary to impose a condition on any grant of outline planning consent for details of existing and proposed ground levels and cross sections which illustrate the relationship of the proposed dwellings and respective garages of plots 2 & 3 with the existing properties to the north-west (Glen Roy and Sunnybank).

Plots 1 and 2 would also be located in close proximity to the boundary of Glas-Fryn, which is located at the north-eastern corner of the site. Glas Fryn is positioned in an elevated position above the site and, as such, the development would not give rise to any overbearing impact to this property or its sizeable outbuilding, which would be sited to the rear of plot 1. Furthermore, it is considered that sufficient separation distances could be maintained to ensure that there would be no significant loss of privacy.

Plots 3 and 4 would be located in some proximity of the side boundary of no. 5 Richmond Gardens. Whilst the proposed dwellings would be positioned at a higher ground level, the dwellings would primarily impact upon the side elevation of the neighbouring property and, as such, it is not considered that the development would have such a significant impact upon the amenity of that property that it would warrant the refusal of the application. Indeed, suitable separation distances could be maintained to ensure no adverse impact in this regard.

Overall, it is considered that the illustrative plans demonstrate that it would be possible to develop four dwellings on the site, without resulting in such an impact upon the levels of amenity or privacy, currently enjoyed by neighbouring occupiers, that would warrant the refusal of the planning application.

Access and Highway Safety

The application has been assessed by the Council's Highways and Transportation section and no objection has been received in respect of the potential impact of the proposed development upon highway safety in the vicinity of the site. The comments received are summarised as follows:

Access

The proposed is located along a narrow private access track (2.8m) which lacks in width for safe two-way vehicular movement, visibility at the junction of Abernant Road

with un-named lane, drainage and segregated pedestrian facilities to serve the increase in traffic generated by the proposed dwelling.

There are 5 no passing bays located from the junction of Abernant Road to the site entrance for vehicles to pass one another. 3 of the passing bays are sufficient for 2 large vehicles to pass one another with the remaining 2 only sufficient for a large vehicle and private motor car to pass.

There is concern the proposal will lead to potential reversing movements by all types of vehicles including delivery and emergency service vehicles with no segregated footways to the detriment of safety of all highway users.

The applicant has proposed limited mitigation measures by setting the first 6.0m of the access back and widening the carriageway to provide for turning of delivery vehicles to access / egress Moss Place in forward gear.

Visibility

The required visibility at the junction of Abernant Road with un-named lane is 2.4m x 22m in accordance with Table B TAN 18. The achievable visibility to the left is well below the recommendation 2.4m x 10m left. There is concern that any intensification of vehicular movements at this junction would increase the risk to all highway users.

Turning Area

There is no dedicated turning area along this section of highway which could potentially lead to vehicles especially delivery vehicles having to reverse considerable distance down a narrow lane with no segregated footway facilities and sub-standard vision splays to the detriment of safety of all highway users.

The applicant has proposed mitigation measures by setting the first 6.0m of the private access back and widening the carriageway to 5.5m to provide for turning of delivery vehicles to access / egress Moss Place in forward gear which is acceptable.

Pedestrian Footway/cycleway

There are no continuous pedestrian links leading to the proposed from Abernant Road which in turn results in vehicles and pedestrians sharing the same surface as moving motor vehicles. This is of concern to the Highway Authority due to the narrow width of carriageway, lack of positive drainage and increase in vehicular and pedestrian movements generated by the proposed development leading to an increase in potential conflict.

Therefore, the site location is not in compliance with PPW11 and Active Travel in terms of sustainable transport hierarch and safe and satisfactory provision of pedestrian and cycle route linking to the local highway network.

Drainage

There is no positive drainage system for Moss Place where-by in winter times the surface water freezes on the carriageway surface resulting in hazardous driving, walking and cycling conditions to the detriment of safety of all highway users.

Parking

The proposal requires up-to a maximum of 3 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011. The submitted indicative site plan 2913 NB 02 shows a minimum of 3 off-street car parking spaces within double garages for each plot and driveways which is acceptable.

Piecemeal

The proposed is considered piecemeal with outline planning permission granted for development of River Tips which included the dwellings currently built Known as Richmond Gardens.

TRICS (Trip Rate Information Computer System)

Highways Development Control undertook a TRICS assessment of 4 privately owned dwellings to assess the impact on the existing highway network after construction. The results of which are an additional 2 Peak AM trips between 8:00-9:00am and 2 additional peak PM trips between 17:00-18:00pm.

There would be a total of 25 additional vehicular trips over a 12-hour period between 07:00am-21:00pm which equates to 2 additional vehicular trips per hour.

Taking into account the limited additional traffic generated by the proposed addition of 4 dwellings and the recent appeal decisions in the vicinity of the site on-balance the proposed is acceptable.

Highways Summary

The proposed access leading to the proposed development site is sub-standard in terms of carriageway width that is lacking in segregated pedestrian footway facilities, adequate visibility sub-standard horizontal and vertical alignment which will create additional hazards to the detriment of the safety of all highway users. This coupled with the additional vehicular reversing movements that would be taking place along the highway to allow vehicles to pass is cause for concern and contrary to PPW11 and Active Travel.

However, taking into consideration the Inspector's comment to an application further north along the sub-standard lane application number 20/0353/10, which states "*The*

road network leading to the site is substandard insofar as it is narrow in places, has poor visibility at the junction with Abernant Road, lacks footpaths and is generally poorly drained. Nonetheless it serves a number of dwellings including a recent development at Richmond Gardens. Its geometry and alignment encourage slow speeds and I have no evidence of any serious highway safety issues with its use such as congestion or traffic incidents. In my view, the development of a single dwelling would not materially add to existing traffic movements in the area to the extent that it would exacerbate or cause any significant risk to highway safety. I therefore find no material conflict with LDP Policy AW 5 2) c). However, this would not outweigh the harm in relation to the other main issues which are compelling reasons for dismissing the appeal", reluctantly no objection is raised to the proposal.

As such, and in light of the comments received from the Council's Highways Officer, the proposal would not have a detrimental impact upon highway 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.

Ecology

At the point of the submission of the planning application, the site had already been cleared and was free from any trees or vegetation. Having reviewed the application, the Council's Ecologist has confirmed that no ecological survey is required to support the application and no objection is raised to the scheme. A planning condition is recommended to secure ecological enhancement in the form of bird nesting bricks in the construction.

As such, the development is considered acceptable in terms of nature conservation and therefore accords with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Rights of Way

It has been established that the wider Richmond gardens development is bordered on three sides by lanes, which are all Public Rights of Way (Aberdare 41, 42, and 43). It is apparent that the bottom end of Aberdare 41 (which is the road access for Richmond Gardens) has already been improved as a road access; therefore, whilst the proposed access would connect with this, it appears that the submission does not propose any alterations to the road/ PROW itself. Nevertheless, it would be necessary that an informative note be attached to any permission granted, which reminds the applicant of their responsibilities in relation to the public rights of way network.

Historic Coal Mining Risks

The application site lies in a high-risk coal mining area and the application is accompanied by a Coal Mining Risk Assessment. Consultation has been undertaken with the Coal Authority with the response received confirming that there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

They comment that the accompanying Coal Mining Risk Assessment (BC/MB/05.22.04) dated 19 May 2022 and produced by Blandford Consulting, has been informed by a range of historical, geological and coal mining information. The report author acknowledges the presence of recorded mine workings at shallow depth within the location of the development site that pose a risk to surface stability.

The report author concludes that intrusive ground investigations are required to establish the exact situation in respect of the coal mining features present. The Coal Authority comment that the intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. As such, their observations conclude by raising no objection to the planning application, subject to the imposition of a condition which requires the afore mentioned site investigations.

Surface Water Drainage and Flood Risk

The application has been reviewed by the Council's Flood Risk Management team who note that, under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). It is further noted that the application will need to comply with Part H of the Building Regulations.

The Flood Risk Management Officer has reviewed the Natural Resources Wales Surface Water Flood Risk Maps and notes that there are areas of high, medium and low surface water flood risk identified in the vicinity of the site however, the primary source of flooding is via the conveyance of flows along the highway network. The surface water flood risk associated with this highway has minimal impact within the application site however, there is a risk of surface water flooding identified downstream of the site.

Details submitted with the application indicates that surface water will be disposed of using a soakaway however, no surface water drainage proposals have been provided. As such, a standard drainage condition is recommended to ensure such details are submitted prior to works commencing on site.

Contaminated Land

The Council's Public Health and Protection team have advised that river level tips (ironworks slag) formerly occupied the application site. As such, it is advised that there is potential for contamination to exist on site and a series of standard contaminated land conditions are recommended.

Foul Drainage

The application is not accompanied by any information in respect of foul drainage. Advice provided by Natural Resources Wales confirms that the site is within a publicly sewered area and the first presumption must be to provide foul drainage discharging into the public sewer. This issue can be controlled by a suitably worded condition.

Other Issues Raised by Objectors

Land Stability and SUDS

It is noted that a number of objections have been received which raise concern with regards to the stability of the site, with further concern raised regarding the use of a sustainable drainage system (SuDs). The Coal Authority advise that the developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications that this may have for any mine workings which may be present beneath the site. Furthermore, as indicated above, the Coal Authority has recommended a condition for site investigations to be undertaken to ensure the safety and stability of the proposed development.

Japanese Knotweed

It is noted that one objector refers to the presence of Japanese Knotweed on the site. This is an issue that is controlled by separate legislation (Wildlife and Countryside Act 1981), and it is the legal responsibility of the landowner to eradicate/control it.

Construction Works and Traffic

It is noted that construction works will cause some degree of noise and disturbance to local residents however, this would be for a temporary period only and would not be reason to refuse planning permission. Furthermore, there is separate environmental health legislation available if such activities became a statutory nuisance.

Previous Application

It is noted that one resident raises concern that the objections they submitted for the previously refused application were not adequately addressed. The report for that

application clearly sets out the objections raised during the course of that application and it comprehensively addresses them in the context of the report.

Water Pressure

It is noted that one resident suggests that the area suffers from low water pressure and concern is raised that the development would further impact on this. Welsh Water have not raised any concern in this regard, nor would it be a material planning consideration.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications. However, the application site lies within zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

Conclusion

Due to its location within the defined settlement boundary and within an established residential area, the principle of sub-dividing the plot for additional residential dwellings is considered acceptable. Furthermore, the submitted illustrative site layout plan demonstrates that the site is physically large enough to accommodate the number of dwellings proposed along with their associated garages, driveways, outdoor amenity space and access, without adversely impacting upon the character and appearance of the surrounding area, the amenity and privacy of neighbouring properties or upon highway safety in the vicinity of the site.

RECOMMENDATION: Approve, subject to conditions

1. (a) Details of the layout, access, scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

(b) Any applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

(c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Sections 92 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 and information received by the Local Planning Authority on 25/01/24 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No.2913 NB 02: Proposed Plans

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

3. Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out 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 and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the illustrative site layout plan, the reserved matters application shall be accompanied by details of existing and proposed ground levels and cross sections which illustrate the relationship of the proposed dwellings with the existing neighbouring properties to the north-west (Glen Roy and Sunnybank).

Reason: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Before the development is brought into use the means of access, shall be laid out in accordance with the submitted plan 2913 NB 02 and approved by the Local Planning Authority. The private shared access and turning shall remain thereafter for use of all residents as a shared use access.

Reason: In the interests of highway safety.

6. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. HGV's used during construction shall be restricted to 09:00am to 16:00pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with 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 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.

9. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads (that could be affected by the proposed development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence until;

- a) a scheme of intrusive site investigations must be carried out on site to establish the risks posed to the development by past coal mining activity and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include:
 - i) A drainage strategy with associated calculations demonstrating the pre and post-development surface water discharge rates from the site and a general arrangement of the catchment and proposed drainage system.
 - ii) How the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15.
 - iii) Details of foul drainage arrangements.

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

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall commence until a scheme for biodiversity enhancement 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: Future Wales requires all development to maintain and enhance biodiversity.

14. 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.

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

16. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above 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.

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.

17. 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

18. The development hereby permitted shall not be commenced until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
 3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

19. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in condition 10 above) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

20. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.