



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**PLANNING & DEVELOPMENT COMMITTEE**

**27<sup>th</sup> August 2024**

**SITE MEETING**

**APPLICATION NO 24/0164/10 Residential Development of 41 no. Affordable Dwellings and Associated Works (Hydraulic Modelling Assessment Rec. 25/03/24) (Amended Plans Rec. 11/04/24) (Amended Ownership Certificate Rec. 05/09/24) (Amended Red Line Boundary Rec. 04/10/24) – LAND ADJACENT TO BRYNGELLI ESTATE, MEADOW LANE, HIRWAUN**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION**

**Author:** Jessica Daniel, Council Business Unit.

**1. PURPOSE OF THE REPORT**

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

**2. RECOMMENDATION**

It is recommended that having regard to the original plans and subsequent amendments outlined below Members:

- 2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development.

**3. BACKGROUND**

- 3.1 In accordance with Minute No 61 (Planning and Development Committee – 15<sup>th</sup> August 2024), a site inspection was undertaken on Tuesday 27<sup>th</sup> August 2024 of the proposed development.
- 3.2 The meeting was attended by Planning and Development Committee Members, County Borough Councillors S Rees, W Lewis, J Smith, L Tomkinson and R Williams.

- 3.3 Apologies for absence were received from Planning and Development Committee Members, County Borough Councillors J Bonetto, A Dennis, S Emanuel, D Grehan, W Owen and M Powell.
- 3.4 Members met at the proposed front highways access to the site and the Planning Officer advised Members that full planning permission was sought for the construction of 41 no. residential dwellings on a parcel of land which is situated immediately to the west of Bryngelli Industrial Estate, Hirwaun.
- 3.5 The Planning Officer also outlined for Members the highways improvements proposed outlining how the applicant has acquired additional land to provide a widened carriageway to a minimum of 5.5m in width with a 1.8m wide safe segregated footway facilities to serve the proposed dwellings. The widened carriageway removes the sub-standard pinch point on the existing carriageway, providing for a 5.5m running width which is in compliance with the Council's Design Guide for Residential Estate Roads and which is considered acceptable.
- 3.6 Members walked up the lane to view the proposed site layout and the Planning Officer pointed out the position of the proposed dwellings on the site. The Planning Officer also highlighted to Members that an application (planning ref. 21/1491) for 35 no. residential dwellings at the site was reported back to Committee in April 2023 where Members resolved to approve the application, subject to a S106 Agreement. The S106 Agreement has not yet been finalised and, as such, the decision notice has not been issued.
- 3.7 Members sought clarification on the land ownership query that was raised at the meeting and the Planning Officer confirmed that this section of land has now been taken out of the application.
- 3.8 The Planning Officer concluded their presentation of the application by highlighting that the site is in an established area built up of residential and commercial properties.
- 3.9 The Highways Officer confirmed the information provided related to the proposed highways improvements that would be required as part of the application and taking into consideration the proposed 100% affordable housing allocation and the vehicular movements associated with social housing, it is felt the application is acceptable.

- 3.10 Members sought clarification that the removal of land as a result of the land ownership query does not impact on the ability to deliver the highways improvements outlined in the application. The Planning and Highways Officers confirmed this would not impact the improvements being made.
- 3.11 Members noted the current highways access and took consideration of the proposed new width as detailed as part of the improvements. Members also queried the number of vehicular movements per day and the Highways Officer confirmed an estimated 106 movements. The Highways Officer also highlighted to Members that as part of the conditions of the application, no development on the site would take place until the highways improvements to Meadow Lane and the junction access had been completed.
- 3.12 Members noted the track opposite the site entrance and queried the potential use of this. The Senior Highways Officer informed Members this was a private unadopted track. It was also highlighted to Members that the entry access to the proposed development would be off centred to the current access and therefore it would be unlikely that this route would be used.
- 3.13 Members also queried the revision to the layout of the proposed dwellings and the Planning Officer presented Members with the previous visual plans for comparison and commented there has been minimal change from the previously approved application to accommodate the extra properties.
- 3.14 Local Members, County Borough Councillors K Morgan and A O Rogers spoke of their concern regarding the highways safety and in particular the use of Meadow Lane to access the site, the access for construction traffic and the use of the unadopted track directly opposite the site. The Highways Officer advised Members that a construction method statement would be required as part of the conditions of the application and that the use of the private unadopted lane would not be acceptable by construction traffic. He also reiterated that the highways improvements would be required to be completed before any construction work could commence on the main site.
- 3.15 The Local Members also shared their concern regarding the number of parking spaces available and in particular the possibility of visitors parking outside the site further impacting on highways safety. The Highways Officer outlined the number of parking spaces as shown on the application and confirmed whilst the parking provision was lower than the maximum standards set out within the council's Supplementary Planning Guidance the proposed development provides 74 off-street car parking spaces with

a minimum of 1 space per 1 & 2 bed unit, a minimum of 2 spaces per 3 bed unit and 3 spaces per 4 bed unit with space available within the new development and widened lane to accommodate an element of short term visitor or residents parking. In light of the development for social housing with established lower levels of car ownership the parking provision was considered to be acceptable.

3.16 The Chair thanked the Officers for the report and closed the meeting.

#### **4. Further Information / Additional correspondence received.**

4.1 Since the site visit a series of amended plans have been submitted which altered the red line boundary for the development. This included the removal of a small strip of land in front of the existing garages on Meadow Lane (opposite the site), which the Applicant indicates was included in error. The red line boundary was amended further when it was brought to the Applicant's attention that two very small areas in front of the garages still appeared to be included in the red line boundary.

4.2 In addition to the amendments made to the red line boundary, the applicant further advised that it had come to light that two other parcels of land at the western boundary of the site were not within their ownership/control. The Applicant subsequently placed a notice in a local newspaper and provided a copy of that notice and an amended ownership certificate to support the application.

4.3 On this basis, further consultation was undertaken with direct neighbour notification letters being issued to neighbouring properties and the original objectors, further site notices being erected in the vicinity of the site and a further press notice being published in a local newspaper. A total of 7 additional letters of objection have been received in response to this exercise. Five of those letters are from new sources whilst two are from residents who have previously formally objected.

4.4 Some of the concerns raised in the most recent consultation exercise have been raised previously and are addressed in the original report (Appendix 1); however, a number of new concerns have been raised which are summarized as follows:

- The development will devalue existing properties.
- Affordable housing will bring threat to people already living in Hirwaun.
- Residents no longer feel safe in the village.
- Children will be at risk.
- There is no need to expand Hirwaun.
- The rural aspect of the village will be lost.
- The lane is a popular walking area for locals.

- A better access would be via the A465.
- There are 5 junctions before entering the site which is not suitable.
- With 100 plus vehicles a day, there will be a serious accident and/or fatalities.
- The infrastructure in the village does not support the development.
- Emergency services could potentially have difficulty accessing the site given the narrow access and cars parking on the verge.
- The widening of the lane will not resolve the problem of dangerous traffic in the area as it will conflict with Meadow Lane/Bryngelli Close and the industrial estate.
- There is nothing more important than ensuring the safety of current and future residents.
- Inadequate parking spaces.
- A large and small lorry recently tried to access the site via the track between Meadow Lane and Rhigos Road to deliver drainage and building materials.
- The access is tight and not wide enough.
- Concern is raised with regards to the access to the flats.
- Potential for soil contamination from previous industries.
- The development eliminates potential for future commercial development on site.
- Play areas and shops and businesses have disappeared from the village with more houses and less amenities.
- The development should include a mixture of housing together with some small business opportunities to replace what the village has lost.
- The development should create local employment and reduce traffic.
- There is concern that the development has already been given the go ahead without first fully considering the legitimate concerns of residents and that reporting the application to the Planning and Development Committee is just a rubber stamping of the proposal.

4.5 Many of these concerns were raised and addressed in the original report (highway safety, parking, access and the loss of a commercial site) and it is therefore not considered necessary to re-address these issues here. The original report can be found at **Appendix A**. It is further noted that the Council's Highways Officer has not raised any objection to the amended red line boundary (nor have any other statutory consultee).

4.6 In response to the new concerns raised, the following comments are offered:

4.7 Members will already be aware that matters of tenure and property value are not material planning considerations.

- 4.8 Whilst residents suggest that they no longer feel safe in the village and that local children will be at risk, it is not considered that the development of the site for residential purposes would adversely affect public safety. It must also be noted that South Wales Police have been consulted on the scheme and have not raised any objection in this regard.
- 4.9 Whilst residents do not consider that there is any need for further residential development in the area, consultation with the Council's Housing Strategy team has confirmed that the scheme would help to address the need for additional affordable housing in the Hirwaun area and that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2022/37.
- 4.9 Whilst one resident considers that the rural aspect of the village will be lost, the site is situated within an established built-up area between an existing industrial estate to the east and residential properties to the north and north-west. Planning consent has also recently been granted for a care home on land immediately to the western boundary of the application site (planning ref. 23/0506). The application site is a brownfield site which was previously used for industrial purposes (B1/B2) and, as such, it could effectively revert back to a more intensive industrial use, which could have a greater impact on residents than the current proposal for residential development. Furthermore, whilst reference is made to the use of the lane by residents to walk their dogs, the proposal does not remove public access to the lane. Rather, the existing lane would be widened with segregated footways provided, which would improve pedestrian safety in this location.
- 4.8 It is noted that one resident considers that access via the A465 would be a better option, however, the Council must consider the scheme that has been presented. The proposed works to the A465 are still ongoing and may not be finished for a number of years. It is therefore not currently practicable to provide a suitable access via that route.
- 4.9 One resident indicates that two lorries have recently attempted to deliver materials to the site via the track between Meadow Lane and Rhigos Road. The track in question does not form part of the application site, nor is it an adopted highway which would be suitable for use as an access to the site. The ownership of the track is currently unknown however, the Council's Highways and Transportation Officer has recommended the use of a condition for a Construction Method Statement to be submitted prior to any work commencing to ensure that all works traffic to the site would enter via an acceptable route, which would not include the track.
- 4.10 Whilst one resident is of the opinion that the proposal has already been given the go ahead without due consideration of the concerns and

objections raised by residents, that is clearly not the case given that at the previous meeting, Members resolved to undertake a site visit in order to fully assess the proposal before reaching a decision.

- 4.11 The issue of land contamination has previously raised by the Council's Public Health and Protection Officer and conditions have been recommended in this regard (as set out in the original report).
- 4.12 Whilst it is noted that one objector suggests that the proposed development should include businesses opportunities, the application must be considered on the merits of the scheme put forward.
- 4.13 No further comments were received following the further consultation exercise undertaken with statutory consultees.

## **5. Amended Conditions**

- 5.1 The submission of the amended plans requires the substitution of plans in condition 2 and 4 to reflect the updated plan numbers. The list of conditions (as amended) is as follows:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 4<sup>th</sup> March 2024, 25<sup>th</sup> March 2024, 11<sup>th</sup> April 2024, 28<sup>th</sup> May 2024, 26<sup>th</sup> June 2024 and 4<sup>th</sup> October 2024, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 2.1 Rev F: Site Location Plan
- Drawing No. 2.3.1 Rev. L: Site Layout Plan
- Drawing No. 2.3. 2 Rev. H: Proposed Building Materials
- Drawing No. 2. 3. 3 Rev J: Hard Landscaping
- Drawing No. 2. 3. 4 Rev L: Boundary Treatment
- Drawing No. 2. 6. 2 Rev B: Site Sections
- Drawing No. 2. 6. 3 Rev B: Site Sections
- Drawing No. BA 2.10 – 2.23 Rev B: Block A - Plots 1 – 4 Plans and Elevations
- Drawing No. BB 2.10 – 2.23 Rev B: Block B – Plots 5 – 8 Plans and Elevations

- Drawing No. BC 2.10 – 2.23 Rev B: Block C – Plots 9, 10 and 11 Plans and Elevations
- Drawing No. BD 2.10 – 2.23 Rev B: Block D – Plots 12 and 13 Plans and Elevations
- Drawing No. BE 2.10 – 2.23 Rev B: Block E – Plots 16, 17 and 18 Plans and Elevations
- Drawing No. BF 2.10 – 2.23 Rev B: Block F – Plots 37, 38 and 39 Plans and Elevations
- Drawing No. HT 2bF 2.10 – 2.23 Rev A: Plots 31, 32, 35 and 36 Plans and Elevations
- Drawing No. HT 2bR 2.10 – 2.23 Rev B: Plots 14, 15, 21, 22, 23, 24, 40 and 41 Plans and Elevations
- Drawing No. HT 3bR 2.10 – 2.23 Rev B: Plots 19, 20, 25, 26, 27 and 28 Plans and Elevations
- Drawing No. HT 3bF 2.10 – 2.23 Rev B: Plots 29, 30, 33 and 34 Plans and Elevations
- Drawing No. HT BBS 8FB 2.10 – 2.23 Rev A: Bin and Bike Store Option B Plans and Elevations
- Drawing No. 728/01 Rev E: Landscaping Planting Plan
- Drawing No. 728/02 Rev D: Plant Schedules and Specification
- Drawing No. SS 4.5 x 4.5 GG RH 2.10-2.23: Proposed Substation
- Drawing No. N2947\_C600 Rev 09: Levels Plan
- Drawing No. N2947\_SK500 Rev 03: Drainage Concept

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

3. No above ground works shall commence on site until the proposed means of access off Meadow Lane leading to the development site has been designed and built.

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

4. Notwithstanding the submitted plans (2.3.1 Rev L & SK03), no above ground works shall commence on site until full engineering design and details of the offsite road layout, footpath links, street lighting, surface water drainage including longitudinal and cross sections and appropriate Road Safety Audits have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be implemented in accordance with the approved engineering.

Reason: To ensure the adequacy of the proposed development, in the interests of highways safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



5. Notwithstanding the submitted plans, no above ground works shall commence on site until full engineering design and details of the internal road layout, footpath links, street lighting, surface water drainage including longitudinal and cross sections have been submitted to an approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering prior to beneficial occupation of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highways safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, design and detail of the off-site highway works identified in the Safe Routes to School Assessment (V2) shall be submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be fully implemented in accordance with the approved engineering prior to beneficial occupation of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highways safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The developer shall provide the occupier of each dwelling with a Travel Plan/Welcome Pack which should contain the following:
  - a) Bus/Train Service providers, their contact details, frequency of services, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
  - b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
  - c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
  - d) Local and national cycle routes; and,
  - e) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant National and Local Planning Policies.

8. Notwithstanding the details shown on the approved plans, a minimum of 10% of car/vehicle parking spaces shall be suitable for ULEV vehicles. The charging points shall be fully operational for such a time as the development is in beneficial use.

Reason: To comply with the requirements of PPW12 and improve environmental and cultural wellbeing of the people and communities.

9. 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 otherwise agreed 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.

10. Prior to commencement of any identified phase of housing development, the developer shall provide detailed information that indicates the glazing and ventilation specifications offered as noise mitigation (both standard and enhanced) throughout the residential development, or any identified phase of the development so as to achieve internal noise levels in compliance with BS8233:2014. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: In the interests of residential amenity for future residents, in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the commencement of development, the developer shall provide a detailed construction specification including noise mitigation properties and position of a barrier to be employed to the southern and eastern boundaries of the site, so as to achieve noise levels in private external amenity areas in compliance with BS8233:2014 of 55db(A)T or below. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: In the interests of residential amenity and to comply with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The development hereby permitted shall not begin 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 Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

13. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme 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

14. 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 Local Planning Authority 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

15. No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- a. Construction methods: details of materials, how waste generated will be managed.
- b. General Site Management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- c. Measures to monitor and control the emission of dust and dirt during any material removal and construction.
- d. Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- e. Soil Management: details of topsoil strip, storage and amelioration for re-use.
- f. CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- g. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use.
- h. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- i. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- j. Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed and implemented for the protection of the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. Prior to the commencement of development, full details of all precautionary, mitigation and enhancement measures, referred to in Section 6 of the Preliminary Ecological Appraisal (by ExCal, dated May 2024) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of Ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

17. A Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The Landscape Management Plan shall be carried out as approved.

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

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

19. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

20. 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.

**Application No:** 24/0164  
**Applicant:** Meadow Lane (Hirwaun) Ltd  
**Proposal:** Residential development of 41 no. affordable dwellings and associated works.  
**Location:** Land adjacent to Bryngelli Estate, Meadow Lane, Hirwaun

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**RECOMMENDATION:** Approve, subject to S106 Agreement and conditions

**REASONS:** The proposal would provide 41no. affordable units which would address an identified need within the Hirwaun area.

Whilst the development would inevitably result in the loss of an employment site, the site has been vacant for at least 10 years and its redevelopment would therefore result in a vast improvement to the visual aesthetics of the site and the surrounding area.

Furthermore, it is considered that the site is capable of accommodating 41 no. dwellings as proposed without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of the surrounding properties. It is also considered the proposed development would have no undue impact upon highway safety in the vicinity of the site with the scheme including a number of improvements to Meadow Lane.

As such, the application complies with the relevant local and national planning policies and is considered acceptable.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of 41 no. residential dwellings on a parcel of land which is situated immediately to the west of Bryngelli Industrial Estate, Hirwaun.

The proposed development would comprise of the following house types:

- 8 no. one bed flats
- 2 no. two bed bungalows
- 12 no. two bed houses
- 17 no. three bed houses
- 2 no. four bed houses.

The proposed one bed flats (plots 1-8) would be arranged in two separate blocks to the north-eastern corner of the site with access to a shared parking area being accessed from Meadow Lane to the north. A new junction would also be created off Meadow Lane to provide access to plots 9-36, which would all be arranged around a new adoptable estate road running through the site in a north to south alignment. Plots 37-41 would directly address Meadow Lane.

Each dwelling would have off-street parking provision which would either be provided as on-plot parking to the front or side elevations of individual dwellings, or in the case of plots 17-21 and plots 26-29, arranged in parking courts at the south-eastern and south-western corners of the site. A total of 7 visitor spaces would also be sited at various points throughout the site.

All plots would also have enclosed rear gardens and open plan gardens to the front.

External materials would be taken from a palette of mixed materials including brickwork (red and buff) and off-white through render with concrete interlocking roof tiles in grey/black. Windows and doors and gutters and downpipes would be of white UPVC. Each dwelling would also incorporate solar PV panels to their roof.

The proposals also indicate that Meadow Lane would be improved with the width of the carriageway being widened to 5.5m for the length of the site frontage. Segregated pedestrian footpaths would also be provided to serve the development.

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

- Design and Access Statement
- Pre-application Consultation Report
- Noise Impact Assessment
- Preliminary Ecological Assessment (February 2024)
- Preliminary Roost Assessment and Activity Survey for Bats (May 2024)
- Site Investigation Report
- Air Quality Assessment
- Hydraulic Modelling Assessment
- Ground Investigation Report
- Safe Routes in Communities Assessment



- Ecological Mitigation Plan
- Plant Schedules and Specification
- Drainage Strategy Report
- Green Infrastructure Statement

## **SITE APPRAISAL**

The application site relates to an irregular shaped parcel of land which is situated to the south of Meadow Lane on the southern fringe of the village of Hirwaun. It measures approximately 1.3 hectares in area and is bound by Meadow Lane to the north, the A465 to the north, Bryngelli Industrial Estate to the east and a vacant parcel of land to the west. The site is situated in a slightly elevated position above Meadow Lane with ground levels continuing to rise slightly in a southerly direction towards the A465.

The site was previously occupied by an industrial unit (former Ferrari's Bakery) however, this appears to have been demolished in recent years. It is now characterised by areas of hardstand and scrub with a small industrial unit to the north-western corner (to be demolished). A wire mesh fence encloses the northern boundary of the site whilst a number of trees define the southern and western boundaries. A metal palisade fence separates the site from the adjoining industrial estate to the east.

The surrounding area is characterised by a mix of both residential and commercial properties. As indicated above, an established industrial estate is situated immediately to the east and this is occupied by numerous industrial units (predominantly Use Classes B1, B2, B8). The remainder of the area to the north and west, and beyond the industrial estate to the west, is characterised by residential properties of varying scales and designs.

## **PLANNING HISTORY**

The following planning applications are on record for this site:

App No.	Site Address	Description	Decision
21/1491	Land adjacent to Bryngelli Industrial Estate, Meadow Lane, Hirwaun	Residential development of 35 no. units	Pending (awaiting S106 Agreement)
11/1459	Ferraris Bakery, Bryngelli Industrial Estate, Meadow Lane, Hirwaun	Demolition of existing buildings and erection of food store (Class A1), petrol filling station, highways works, car parking, landscape and ancillary works	Granted 28/10/14

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters and through the erection of site notices in the vicinity of the site. A press notice was also published in a local newspaper. This process was repeated on receipt of a set of amended plans.

A total of 5 letters of objection have been received and are summarised as follows:

### *Highways:*

- The access is unsafe and dangerous.
- The access will result in a great deal more traffic coming onto a minor road.
- Consideration should be given to an access off the A465.
- Although the development proposes to widen part of the lane, it is not going to cope with the amount of traffic that will be going in and out of the development.
- There will be three junctions which will be very dangerous and will cause accidents.
- Residents may use the 'track' which runs from Meadow Lane to Rhigos Road (alongside 12a & 17 Rhigos Road), as a short cut to access and egress the site.
- The development will cause nuisance and disturbance from noise of traffic travelling up and down the lane.
- Meadow Lane remains just a lane and not a highway.
- The mitigations proposed are very limited and do not address the safety concerns initially raised by residents.
- Whilst Welsh Government policy is to increase walking and cycling as a preferred mode of Transport, the reality is currently far removed from such an aspiration and there is no doubt that the development will significantly increase traffic flow, noise and pollution during daytime hours.
- The additional traffic has the potential to cause traffic problems and create safety hazards for residents and other motorists.
- The submitted Transport Report gives a misleading impression by understating the current risks with traffic issues at the Meadow Close/Bryngelli Estate/Meadow Lane junction.
- There have been a number of unreported near misses.
- There are access issues to the lane around school run times, as school transport buses use the Bryngelli site as their base and block the lane access.
- The issues are temporarily more pronounced whilst the village is being used as a short cut for traffic trying to avoid pinch points on the Heads of the Valley major road works.

- The submission of how the preparatory site work will be undertaken are light, although it is noted that a number of pre-commencement conditions are requested by Highways and Welsh Water. How can the Local Planning Authority approve such an extensive development without first knowing what the approach and impact will be?

#### *Other*

- Many play areas have disappeared and shops and businesses have closed leaving the community with more houses and less amenities.
- There should be a balance between preserving the community without destroying the village in the process.
- The concerns raised by residents in the Pre-application Consultation exercise have been ignored or downplayed by the developer.
- The developer has not engaged with residents.
- Concern is raised with regards to the consideration of the previous application in that concerns raised by Councillors warranted further consideration and discussion than what they received.
- Concern is raised that no adequate response was provided on the question of why Highways were supporting the proposed access arrangements when they had previously opposed use of Meadow Lane for an earlier application.
- Concern is raised that a Highways Officer was not present at the meeting to explain the changed position.
- Residents were disappointed that Members chose not to undertake a site visit, particularly given that this is a significant and somewhat controversial development.

## **CONSULTATION**

**Brecon Beacons National Park Authority:** No objection

**Dwr Cymru Welsh Water:** No objection, condition recommended. Further advice provided on the location of a public sewer.

**Ecology:** No objection, conditions recommended.

**Flood Risk Management:** No objection.

**Highways and Transportation:** No objection, conditions recommended.

**Housing Strategy:** No objection.

**National Gas Transmission:** No objection. Advises that the application site is situated approximately 400m away from a high pressure gas pipeline and would not be of concern.

**National Grid:** No objection. Comments advise 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, condition recommended for the submission of a Construction Environmental Management Plan.

**Public Health and Protection:** No objection, standard conditions recommended in respect of noise, dust and waste during construction and contaminated land. Further conditions recommended in respect of the submitted Noise Impact Assessment.

**South Wales Fire and Rescue:** No objection. Standard advice received.

**South Wales Police:** No objection.

**Tree Officer:** No objection. Comments received in relation to tree planting.

**Welsh Government (Transport):** No objection,

## **POLICY CONTEXT**

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

*Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it 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 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.*

The application site is located within the defined settlement boundary for Hirwaun. It is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

**Policy CS1 (Northern Strategy Area):** sets out the criteria for development in the Northern Strategy Area which includes providing high-quality, affordable accommodation that promotes diversity in the residential market and also ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings.

**Policy CS4 (Housing Requirements):** sets out how housing requirements will be met.

**Policy CS5 (Affordable Housing):** outlines the extent of the affordable housing requirement that needs to be delivered through the plan period.

**Policy AW1 (Supply of New Housing):** sets out the criteria for new housing proposals.

**Policy AW2 (Sustainable Locations):** supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4 (Community Infrastructure & Planning Obligations):** details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy (CIL).

**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):** sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10 (Environmental Protection and Public Health):** does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity, including issues relating to air pollution, noise pollution and contamination etc.

**Policy AW11 (Existing Employment and Retail Uses):** promotes alternative uses for existing employment sites.

**Policy NSA3 (Development in the Key Settlement of Hirwaun):** supports proposals for residential development within Hirwaun where the development is of a high standard of design and integrates positively with existing development.

**Policy NSA10 (Housing Density):** requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

**Policy NSA11 (Affordable Housing):** seeks a provision of 10% affordable housing on sites of least 10 no. units or more within the Northern Strategy Area.

**Policy NSA12 (Housing Development Within and Adjacent to Settlement Boundaries):** identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

**Policy NSA16 (Redevelopment of Vacant/Redundant Industrial Sites):** supports the conversion or re-development of redundant and/or vacant industrial sites.

### **Supplementary Planning Guidance**

Design and Placemaking  
Affordable Housing  
Nature Conservation  
Planning Obligations  
Access Circulation and Parking  
Development of Flats  
Employment Skills

### **National Guidance**

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

Planning Policy Wales Edition 12 (PPW) was issued on 7<sup>th</sup> 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 considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 7 - Delivering Affordable Homes – SDP/LDP/allocations and innovative approaches.
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

#### SE Wales Policies

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 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.

#### **Main Issues:**

#### **Application Background**

Members may recall that a very similar application (planning ref. 21/1491) for 35 no. residential dwellings at the site was reported to Committee in December 2022 where the application was deferred to allow further information to be submitted in respect of noise and to allow Members to fully consider the compatibility of the

proposed residential development with the adjacent industrial estate in this regard. The application was reported back to Committee in April 2023 where Members resolved to approve the application, subject to a S106 Agreement. The S106 Agreement has not yet been finalised and, as such, planning permission has not yet been issued.

The previous application sought permission for the construction of 35 no. dwellings with 14 no. units (40%) being offered as affordable housing. The current application before Members proposes 41 no. dwellings with the affordable housing offer being substantially increased from 40% to 100%. The layout of the proposed scheme is very similar to that of the previous application with access remaining off Meadow Lane to the north with the proposed dwellings being positioned around the perimeter of the site. In addition to the number of dwellings proposed, the other key difference is the house types proposed. The current proposal includes mostly semi-detached and linked properties whereas the previous scheme included mostly detached properties.

Whilst planning permission for the previous scheme has not yet been formally issued, the fact of the matter remains that permission could be issued promptly following the completion of the required S106 Agreement. The fallback position would then be that a development for 35 no. dwellings with access off Meadow Lane, as currently proposed, could be built out. As such, the key consideration in this case will be whether the increase of 6 no. dwellings would result in a significantly different impact to that of the previous scheme that it would warrant the refusal of the application.

### **Principle of the Proposed Development**

The application site is situated within the defined settlement boundary of Hirwaun. It is not allocated for any specific use; however, it has historically been occupied by an industrial use (former Ferrari's Bakery). The previous use ceased a number of years ago and the original units on the main part of the site have since been demolished. One unit remains at the most north-eastern corner however, that is in a dilapidated condition and is proposed to be demolished.

As in the consideration of the previous application, the site is considered to be situated within a sustainable location. The surrounding area is an established built-up area characterised by both residential and commercial properties and with a number of key local services and facilities and a bus stop located within walking distance of the site, the proposal would largely comply with the sustainability objectives of Policy AW2.

Whilst it is noted that the site lies immediately adjacent to an established industrial estate and concern has previously been raised with regards to the compatibility of the proposed residential use with the existing commercial units on the estate, the estate has been operated alongside an established residential



for many years without any complaints being made to the Council's Public Health and Protection team (records held for the last 10 years). Furthermore, the application is accompanied by a Noise Impact Assessment which demonstrates that the operation of the industrial estate would not have an unacceptable impact upon future residents of the proposed development, providing that the mitigation measures set out in the report are implemented. The Council's Public Health and Protection team have assessed the report and raise no objection in this regard. As such, it is not considered that the residential use of the site would unacceptably conflict with existing units on the adjoining industrial estate, or vice versa.

Policy AW1 of the Rhondda Cynon Taf Local Development Plan further seeks to ensure that residential development is located within the defined settlement boundaries prescribed within the plan. A further requirement of this policy is that proposals for residential development accords with the density requirements of Policy NSA10 (Housing Density).

With a total of 41 no. dwellings on a parcel of land measuring approximately 1 hectare (developable area only, not including the road/junctions at Meadow Lane), the net residential density for this development would be approximately 41 dwellings per hectare, which satisfies the requirements of Policy NSA10, which requires a minimum of 30 dwellings per hectare.

Policy NSA12 would also permit residential development within the defined settlement boundary providing that it would not adversely affect the highway network and is accessible to local services by a range of modes of transport, including on foot and by bicycle, that it does not adversely affect the provision of car parking in the surrounding area or that the site is not contaminated or subject to land instability or is capable of being appropriately remediated. As mentioned above, the site is accessible by a local bus service which provides public transport to the towns of Aberdare and Merthyr Tydfil where further bus and train services are available to the wider area. The surrounding area is also conducive to travel on foot and bicycle. Furthermore, no objection has been raised with regards to the level of parking that would be provided within the scheme, and it is therefore not considered that the development would adversely affect the provision of parking the surrounding area (discussed further in the *Access and Highway Safety* section below).

In terms of affordable housing, the application proposes 100% affordable housing which the Council's Housing Strategy team have not raised any objection to. The comments received indicate that the proposal represents a social rented scheme that has been designed in dialogue with them to help address the need for additional affordable housing within Hirwaun. It is further commented that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2022/37 and, as such, the proposal satisfies Policy NSA11.

The application site was formally occupied by an industrial use and the proposal will therefore need to be assessed against Policy AW11, which seeks to retain employment sites for employment purposes. However, the policy also recognises that some existing employment sites are no longer required for employment purposes and alternative uses may be supported where it can be demonstrated that the site has been marketed for appropriate employment purposes at reasonable market rates for a minimum of 12 months. Alternatively, Policy AW11 would also support the redevelopment of derelict, unsightly, underused and vacant land/premises for alternative uses which will have significant regeneration benefits.

Whilst no marketing evidence has been provided with this application, records held by the Council indicate that the site has been vacant since at least 2012. The surveys undertaken between 2012-2019 indicate that the building on site was poor quality and in a dilapidated state during these years with the 2021 survey (no survey was undertaken in 2020 due to Covid 19 restrictions) indicating that the building had been demolished. Furthermore, the report for a previously approved planning application (ref. 11/1459) at this site noted that the buildings were in a deteriorated condition and were unsuitable for use. It is therefore considered that the site has not been in use and in poor condition for a longer period than what the Council's records show.

In terms of the availability of land for employment purposes, the site lies immediately adjacent to Bryngelli Industrial Estate, in which there are a number of existing industrial units dedicated to employment uses (B1, B2 and B8). It must also be noted that Hirwaun Industrial Estate is located approximately 1.2km to the north-west with a further allocated site for 36 hectares of employment land being located approximately 300 metres to the east (Policy NSA8). Therefore, whilst it is regrettable that the employment use of the site would be lost as a result of the proposed development, it is not considered that this would result in a significant loss of employment land in the area.

In terms of the availability of land for employment purposes, the site lies immediately adjacent to Bryngelli Industrial Estate, in which there are a number of existing industrial units dedicated to employment uses (B1, B2 and B8). It must also be noted that Hirwaun Industrial Estate is located approximately 1.2km to the north-west with a further allocated site for 36 hectares of employment land being located approximately 300 metres to the east (Policy NSA8). Therefore, whilst it is regrettable that the employment use of the site would be lost as a result of the proposed development, it is not considered that this would result in a significant loss of employment land in the area.

The vacancy rates recorded for Bryngelli Industrial Estate in 2022 indicate that there are currently 5 vacant units out of a total of 15 (33.33%), which is a notable reduction from previous years. The rear-most part of Bryngelli Industrial Estate has also very recently been granted outline planning consent for additional

employment units (planning ref. 22/0533). Both of these factors would suggest that there is a genuine need for employment sites in the Hirwaun area; however, the length of time that the application site has been vacant for and indeed the poor condition of the site, cannot be ignored. The planning history for the site reveals that the only recent planning record is for the above-mentioned food store (ref. 11/1459), which again is considered to be an alternative use. Whilst that permission has long since expired, it was assessed against Policy AW11 and was considered to be acceptable. The report considered that the redevelopment of the site would inevitably result in significant visual improvements and as nothing has changed in the intervening time period (with the exception of the demolition of the dilapidated buildings), then the same can be said for the redevelopment of the site for residential purposes.

Consequently, whilst insufficient evidence has been provided to demonstrate that the site has been marketed in accordance with point 2 of Policy AW11, records clearly show that the site has been vacant for a very long period of time. It is also visibly derelict, unsightly and underused and its redevelopment for alternative purposes will inevitably have significant regeneration benefits, which would vastly improve the visual aesthetics of the site and the surrounding area.

As such and on the basis of the above assessment, the application site is situated in a sustainable local and the proposed development would provide much-needed affordable housing units within the Hirwaun Area. The principle of developing the site for residential purposes is therefore considered to be acceptable, subject to the additional criteria set out below being satisfied.

### **Access and Highway Safety**

It is noted that a number of objections have been received from local residents which raise concern with regards to the proposed access to the site and the impact that this would have on high safety. Whilst these concerns are duly noted, no objection has been raised by the Council's Highways and Transportation section. The comments received are summarised as follows:

#### Access

The local highway network leading to the site is severely substandard in terms and is currently unsuitable to serve the proposed development. Whilst an objection was initially received in relation to the previous application, the objection was subsequently withdrawn upon the submission of amended plans. The applicant has acquired additional land to provide a widened carriageway to a minimum of 5.5m in width with safe segregated footway facilities to serve the proposed dwellings. The widened carriageway removes the sub-standard pinch point on the existing carriageway, providing for a 5.5m running width which is in compliance with the Council's Design Guide for Residential Estate Roads and which is considered acceptable.

The widened carriageway at this location will be a benefit in terms of highway safety for the wider community including visitors and staff of the adjacent industrial estate.

Furthermore, the applicant has undertaken an onsite survey of vehicle speeds and vision splays are provided in accordance with the recorded 85<sup>th</sup> %tile speeds of 18mph. Vision splays of 2.4m x 22m are proposed which are in accordance with TAN18.

Due to the substandard nature of the access leading to the application site and safety concerns for existing highway users, a Grampian condition has been suggested to ensure the implementation of the off-site highway works prior to the construction on site, in the interests of safety of all highway users.

A further condition is also recommended for details of full engineering design and detail of the existing access, including the public lane, to be substantially updated in compliance with Rhondda Cynon Taf Design Guide for Residential Estate Road.

### Transport Statement

#### *Trip Generation*

As previously stated, this current application seeks permission for 41 no. dwellings, all of which would be offered for affordable housing provision. The previous application was for 35 no. dwellings, 21 of which would have been privately owned, open market dwellings.

Housing Association sites tend to have lower car ownership than private open market dwellings and this is reflected in the TRICS assessment contained within the Transport Statement.

The TRICS assessment estimates that the development could attract and produce 108 vehicle movements a day. During the AM peak (08:00-09:00), it is anticipated that the proposed development could attract 5 arrivals and produce 6 departures. To put this in context, vehicle movements per hour equates to no more than one movement every six minutes, on average, and this is not considered to be significant.

During the PM peak hour (17:00-18:00), it is anticipated that the proposed development could attract 6 arrivals and produce 4 departures, which equates to no more than one movement every six minutes, on average. Again, this is not considered to be significant.

The TRICS data suggests that based on typical trip rates for residential developments, the proposal has the potential to generate around 52 arrivals and 56 departures per day.

The development is likely to be at its busiest during the mid-morning and the data suggests that 6 and 9 vehicle movements will be generated during its busiest hour (10:00-11:00).

### *Travel Plan*

A Travel Plan scope has been provided within the Transport Statement with objectives of reducing single occupancy vehicle journeys to and from the proposed development and promoting sustainable modes of transport in accordance with Welsh Government Guidance and PPW12.

A Travel Plan will provide a package of measures for:

- Minimising the number and length car trips generated by a development;
- Supporting more sustainable travel; and,
- Reducing the need to travel.

Preliminary targets can then be set for the development in discussion with the Council's Travel Plan Officer. The target is likely to be that single occupancy car trips should be reduced by between 2% and 5% within a five year period, as the estimate base is already low.

The scope of the Travel Plan is acceptable, subject to implementation and, as such, a planning condition is recommended accordingly.

### Safe Routes Assessment

A Safe Route Assessment has been undertaken by the Applicant which indicates the route to the nearby junior school, which identifies continuous footway links and street lighting provided. The Safe Route Assessment has identified a number of improvements required to facilitate safe pedestrian access to the nearby school for provision of uncontrolled pedestrian crossing facilities, which is acceptable. A condition is therefore recommended to ensure implementation.

### Parking

In accordance with the Council's SPG: Access, Circulation & Parking (2011) & Flats (2015), the maximum standards for the proposed development would be 93 off-street car parking spaces for residents and 8 no visitors spaces, which takes the total maximum requirement to 101 spaces.

The proposed development provides for 74 off-street car parking spaces with a minimum of 1 space per 1 & 2 bed unit, 2 spaces per 3 bed unit and 3 spaces

per 4 bed unit. The short-term visitor spaces can be accommodated on the street.

A minimum of 10% of the car/vehicle parking spaces shall be suitable for charging ULEV vehicles. The charging points shall be fully operational for such time as the development is in beneficial use.

Taking into account that social housing generates a lesser car parking requirement than privately owned dwellings and that there is a minimum of 1 off-street car parking space per dwelling/apartment, on balance, the proposal is considered acceptable in terms of parking provision.

### Cycle Parking

Each dwelling is provided with a rear shed for secure cycle storage with the flats having a shared use secure cycle shed. This is considered acceptable and goes some way to promote sustainable modes of transport with less reliance placed on the private motor vehicle.

### **Character and Appearance**

The application site currently forms a derelict and unsightly parcel of land. It is therefore considered that the proposed development would bring the site back into beneficial use and improve the overall visual appearance of the site and the surrounding area.

The general layout of the site, which would see dwellings being arranged around a new estate road is also considered to be acceptable and in-keeping with the existing pattern of development visible in the surrounding area. Each dwelling would be set back from the road by open-plan garden areas and driveways with ample space being provided to the rear for private amenity space. There appears to be adequate space within the site to enable a comprehensive landscaping scheme to be implemented, which would further ensure that the development would have a pleasant appearance within the immediate and wider area. Consequently, it is not considered that the proposal would result in overdevelopment of the site.

Furthermore, the site is situated in an area which is characterised by a mix of house types, including a number of semi-detached and linked/terraced properties, and the proposed development would therefore not appear out of keeping with the surrounding area. Whilst there does not appear to be any blocks of flats in the immediate vicinity, the provision of flats within the development would not be a reason to refuse the application, particularly given that the scale and design of the flats are considered to be sympathetic to the character of the surrounding area. The flats would be of a two-storey scale and would not appear significantly visibly different to a pair of semi-detached properties. As such, the

proposed mix of properties would not be out of keeping with the character of the surrounding area. It is also considered that there is a great mix of finishing materials visible within the area and the materials proposed to be used within the development would not have an adverse impact or result in the development appearing overly prominent within the area.

Finally, plots 37-41 would directly face towards Meadow Lane which would ensure that the development would have a positive relationship with the surrounding area and the widening of the lane along with the introduction of pedestrian footways and some soft landscaping would vastly improve the appearance of the site frontage.

## **Residential Amenity and Privacy**

### *Impact on existing properties*

The nearest neighbouring residential properties are situated in and off Meadow Lane at the northern extent of the site. Whilst the majority of the dwellings proposed would have no impact upon existing properties, the proposed flats (plots 1-8) and plots 37-41 would have a frontage onto Meadow Lane and would therefore be in some proximity of existing properties.

The proposed flats would be sited at the most north-eastern corner of the site with plots 1-4 being positioned directly opposite the side elevation of no. 1 Longmeadow. Whilst the flats would be positioned to the south of no. 1, the orientation and layout of the existing dwelling is such that it would not experience any adverse overshadowing or loss of outlook as a result of the siting of the flats.

The rear elevation of Plots 1 - 4 would face towards the side elevation and rear garden of no. 1 Meadow Lane and it is noted that there could be some degree of overlooking towards this property. However, with no notable changes in ground level between these two sites, the two-storey nature of the block of flats and a separation distance of approximately 22.5 metres (between the rear elevation of the flats and the side boundary of no.1), it is not considered that the level of overlooking would be unacceptable. Similarly, given that the flats would be situated to the west of this property, the development would not result in any overshadowing or loss of light.

Plots 5-8 would be situated directly opposite a block of existing garages and it is not considered that it would give rise to any adverse impact in this regard. Although there is likely to be some views of the front elevation of no. 1 Longmeadow from the two flats in the northern end of the building, these views would be oblique and at a distance of approximately 28m, which is considered to be acceptable.

Plots 37-41 would have a frontage directly onto Meadow Lane with these plots facing the side elevation of no. 17 Rhigos Road and plots 40 & 41 facing towards the rear elevations of nos. 3 & 4 Beacons View. Given the orientation of no. 17 with its blank side elevation facing towards Meadow Lane, the proposed dwellings are unlikely to have a significant impact upon the dwelling itself; however, it is noted that the garden area for this property extends to its western and southern elevations and there is some potential for overlooking to occur, particularly from the front elevations of plots 39-41. Notwithstanding this, no. 17 incorporates a timber fence along the full length of its southern boundary (with the exception of the entrance to its driveway) which would help to reduce the overlooking impact. Furthermore, an adequate separation distance (between 14.5 and 16.5m) and would be maintained to limit this, as well as any overbearing and overshadowing impact.

Similarly, plot 41 would be sited behind the rear boundary of no. 3 Beacon View however, with a separation distance of around 20m, the siting of a rear boundary fence to the rear garden, and with plot 41 being positioned at a slight angle, this is considered to be acceptable.

Plot 1 would also be situated adjacent to plots 1 and 2 Dol Afon, which form a recently constructed pair of semi-detached properties to the western boundary of the site. The existing trees and vegetation at the boundary of the site would be retained and it is considered that this would be sufficient to ensure no adverse impact would occur. Furthermore, plot 41 would be orientated to face a northerly direction and would therefore not give rise to any overlooking.

Finally, it is noted that the application site has been vacant for a number of years and so the closest residents will inevitably have become accustomed to very little or no activity on the site. The construction of 41 no. dwellings will therefore result in some additional noise and disturbance to what has been experienced by residents over the last 10+ years; however, given the proposed residential use of the site, this is unlikely to be significant and it would also not be significantly different to that which occurs within the existing residential area surrounding the site. Whilst it is accepted that there will be additional noise as a result of the proposed access and the comings and goings of cars and pedestrians associated with the development, the TRICS survey submitted with the application demonstrates that this would not be significant and, as such, the level of noise and disturbance associated with the development would not be sufficient to warrant the refusal of the application.

It is also noted that the residential use of the site is likely to have far less of an impact on existing residents in terms of noise and disturbance when considering the previous industrial use of the site (and also the previously approved, albeit expired, food store). Indeed, the level of noise and disturbance would have the potential to be far greater if the site was returned to its original industrial use.



### *Impact on future residents*

The layout of the proposed development is such that the dwellings would have adequate space between them to ensure no adverse impacts. Furthermore, existing dwellings surrounding the site would not have any adverse impacts upon the amenity and privacy of future residents.

The proposed flats would align with the objectives of the Council's SPG: Development of Flats in that they would provide good quality accommodation for their occupants. Each flat would have their own private access to the front of their respective block with the internal space being adequate for their occupants to carry out day-to-day tasks. Each habitable room would have access to a window which would provide natural daylight and ventilation as well as a pleasant outlook. The ground floor flats would have a small patio area to the rear with the remainder of the area to the south being laid to lawn with opportunity for a communal outdoor amenity space for the upper floor flats. Furthermore, all 41 units proposed would be offered as affordable housing and would therefore need to comply with DQR standards.

As indicated previously in this report, there is some potential for future residents to be impacted by the existing industrial units on Bryngelli Industrial Estate, particularly given that some of the units immediately adjacent to the site are within the B2 Use Class and that there appears to be no restrictions in terms of hours of operation. The Noise Impact Assessment includes mitigation measures in this regard which the Council's Public Health and Protection team have found to be acceptable. As such, it recommended that the mitigation measures be conditioned. It is also noted that the industrial estate has been in operation alongside a predominantly residential area, without complaint, for a number of years.

It is also noted that the site is bound by the A465 to the south which could have some impact upon future residents in terms of air quality. The Council's Public Health and Protection team have indicated that should any of the proposed dwellings be within 25 metres of the road, then an Air Quality Assessment will be required prior to determination. The application is accompanied by an Air Quality Assessment which has been reviewed by the Council's Public Health and Protection and no objection is raised in this regard.

### **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.

### **Land Drainage**

The application has been reviewed by the Council's Flood Risk Management team and no objection has been raised. The comments received indicate that the submitted details demonstrate acceptable discharge rates from the site and the Flood Risk Management Officer is satisfied that the sites surface water flood risk will be adequately management by Schedule 3 of the Flood and Water Management Act 2010 and Building Regulations.

Dwr Cymru Welsh Water also note that site's surface water would be disposed of via a culvert and public sewer however, it is advised that there is no agreement currently in place for the development to drain to the latter. As such, a condition is recommended in this regard.

## **Ecology**

The application is accompanied by a Preliminary Ecological Assessment (PEA) which has been reviewed by the Council's Ecologist and Natural Resources Wales (NRW).

### *Special Area of Conservation and Sites of Special Scientific Interest*

The application site is located within 170m of the southern extent of the Blaen Cynon Special Area of Conservation (SAC), which is designated for supporting populations of the marsh fritillary butterfly (MFB), and Cors Bryn y Gaer Site of Special Scientific Interest (SSSI) which are lowland bog and soligenous flush, marshy grassland, dry neutral grassland and lowland acid grassland.

The submitted PEA indicates that there is lack of suitable habitat for MFB on the development site however, it is noted that it does provide for some foraging opportunities. It further identifies watercourses running alongside the western and southern boundaries of the site and that linkages between the ditches and other natural watercourses appear to be limited.

NRW advise that there would be potential for contaminants to enter the water environment without appropriate mitigation and, as such, a condition is recommended for the submission of a Construction Environmental Management Plan (CEMP). NRW advise that provided the development is carried out in accordance with a suitable CEMP, then the integrity of the SAC would not be adversely affected. Similarly, whilst NRW consider that the proposals have the potential to impact upon the SSSI, providing the pathways referenced above for SAC are adequately addressed, then it is considered that the features of the SSSI will also be adequately safeguarded.

Furthermore, the Council's Ecologist notes that the PEA (May 2024) provides more detail on the marshy grassland potential for MFB and concludes that the habitat is not suitable. A condition is recommended for details of all ecology mitigation and enhancement measures set out within Section 6 of the PEA.

The Local Planning Authority is the competent authority which, under the Conservation of Habitats and Species Regulations 2017 (as amended), and before deciding to give planning consent for a scheme which is likely to have a significant effect on a SAC, either alone or in combination with other plans or projects, must make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. On the basis of the comments received from NRW and from the Council's Ecologist, as discussed above, it is not considered that the development would have an adverse effect on the SAC.

### *Protected Species*

Details submitted with the application indicate that the woodland and tree line habitats along the southern and western boundaries of the site have bat roost potential however, these are to be retained which will provide continued foraging, commuting and potential roosting opportunities for bats. Further mitigation is proposed in the form of positive enhancement of the tree line together with sensitive site lighting and the provision of some bat boxes.

The Preliminary Roost Assessment and Activity Survey for Bats (May 2024) includes a single bat emergence survey of the building to be demolished at the north-eastern corner of the site. The survey recorded no emerging bats and the Council's Ecologist therefore raises no objection in this regard. A condition is, however, recommended to ensure the precautionary measures identified in Section 6 of the PEA.

### *Landscaping*

The application is accompanied by a Landscape Planting Plan and Plant Schedules and Specification which the Council's Ecologist considers are acceptable. It is, however, recommended that long-term management is sought for the landscaping which can be secured via a suitably worded planning condition.

### **Contaminated Land**

The application is supported by a Site Investigations Report which has been reviewed by the Council's Public Health and Protection team however, the comments received indicate that the information is not sufficient to negate the need for standard contaminated land conditions and, as such, these have been recommended accordingly.

### **Protected Landscapes**

NRW note that the application site is situated within 700m of the Bannau Brycheiniog/Brecon Beacons National Park however, it is commented that no

information regarding landscape assessments have been provided with the application.

Whilst these comments are noted, the application site is situated in an established built-up area which is predominantly residential in character. The site would therefore be viewed in context with the surrounding residential area and it is not considered the proposed development would have an adverse impact on landscape. Furthermore, Bannau Brycheiniog have been consulted on the application and raise no objection.

### **Recreation and Open Space**

The Council's SPG: Planning Obligations sets out that planning obligations in respect of recreation facilities will apply to residential developments of 10 or more units. In accordance with the SPG, the proposed development would be expected to provide a total of 2376m<sup>2</sup> of outdoor recreational facilities; however, the site is not physically large enough to accommodate this provision as well as the number of dwellings proposed and infrastructure required. In this case, an off-site contribution would be considered acceptable, and this would be secured via a S106 Agreement.

### **Other Points Raised by the Objectors**

Where the concerns and objections raised by residents have not been addressed in the sections above, the following comments are provided:

#### *Procedural Issues in Relation to the PAC process*

Concerns have been raised in respect of the PAC exercise undertaken by the developer in that the developer has not engaged with residents and have ignored concerns raised during the process. It is noted that the concerns raised by residents during the PAC process are included in the supporting PAC Report, as required by the PAC regulations. The developer has included a discussion around the concerns raised however, they are not obliged to amend the plans.

#### *Consideration of Previous Application*

Firstly, concern is raised that no adequate response was provided on why the Highways Officer changed their response from an objection to one of no objection on the previous application. Amended plans were received during the course of the application which addressed the concerns previously raised. In the updated response, the Highways Officer clearly states that the observations supersede the previous observations and that the updated observations were in light of the amended plans received showing revised access improvements and widening of the access to comply with RCTCBC Design Guide for Residential

Estate Roads. This was further set out in the comprehensive report to Members of the Planning and Development Committee on 1<sup>st</sup> December 2022.

The Highways Officer is not required to attend the Planning and Development Committee, nor are Members of the Committee obliged to undertake a site visit, particularly if they are satisfied that the report and visual material presented to them is comprehensive and detailed enough not to warrant one.

It is further advised that the application was discussed in some depth by Members and there was opportunity for Members to ask further questions or seek clarification on any concerns they raised prior to them determining the application.

### *Need for the Development*

Whilst it is noted that the Hirwaun area may have lost certain amenities over the years, the same can be said for numerous other areas in the County Borough. That is not to say that housing is not required and as indicated earlier in this report, there is an identified need for additional affordable housing within Hirwaun. The proposal would therefore go some way in provided much-needed affordable housing.

### **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.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide 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, on behalf of the Registered Social Landlord, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement will be required for the following:

- i) To ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.
- ii) To secure an off-site recreation contribution for the upgrading of existing play areas, in accordance with the Council's SPG for Planning Obligations.

### **Conclusion**

Whilst the proposal would inevitably result in the loss of an existing employment site, the site has been vacant and in a derelict condition for a number of years (10+). The redevelopment of the site for residential purposes would therefore bring the site back into beneficial use and improve the visual aesthetics of the site the surrounding area. Furthermore, it would provide much-needed affordable housing in the Hirwaun area.

The overall scale and design of the proposal is also considered to be acceptable in terms of impact upon the character and appearance of the surrounding area and impact upon surrounding residential properties and whilst a number of objections have been received from local residents in respect of access, the Council's Highways and Transportation section have not raised any objection in this regard. As such, the development is considered to be acceptable and it is therefore recommended for approval, subject to a S106 agreement and the conditions set out below.

### **RECOMMENDATION:**

## CONDITIONS

21. 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.

22. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 4<sup>th</sup> March 2024, 25<sup>th</sup> March 2024, 11<sup>th</sup> April 2024, 28<sup>th</sup> May 2024 and 26<sup>th</sup> June 2024, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 1.1 Rev A: Site Location Plan
- Drawing No. 2.3.1 Rev. I: Site Layout Plan
- Drawing No. 2.3. 2 Rev. F: Proposed Building Materials
- Drawing No. 2. 3. 3 Rev F: Hard Landscaping
- Drawing No. 2. 3. 4 Rev H: Boundary Treatment
- Drawing No. 2. 6. 2 Rev B: Site Sections
- Drawing No. 2. 6. 3 Rev B: Site Sections
- Drawing No. BA 2.10 – 2.23 Rev B: Block A - Plots 1 – 4 Plans and Elevations
- Drawing No. BB 2.10 – 2.23 Rev B: Block B – Plots 5 – 8 Plans and Elevations
- Drawing No. BC 2.10 – 2.23 Rev B: Block C – Plots 9, 10 and 11 Plans and Elevations
- Drawing No. BD 2.10 – 2.23 Rev B: Block D – Plots 12 and 13 Plans and Elevations
- Drawing No. BE 2.10 – 2.23 Rev B: Block E – Plots 16, 17 and 18 Plans and Elevations
- Drawing No. BF 2.10 – 2.23 Rev B: Block F – Plots 37, 38 and 39 Plans and Elevations
- Drawing No. HT 2bF 2.10 – 2.23 Rev A: Plots 31, 32, 35 and 36 Plans and Elevations
- Drawing No. HT 2bR 2.10 – 2.23 Rev B: Plots 14, 15, 21, 22, 23, 24, 40 and 41 Plans and Elevations
- Drawing No. HT 3bR 2.10 – 2.23 Rev B: Plots 19, 20, 25, 26, 27 and 28 Plans and Elevations
- Drawing No. HT 3bF 2.10 – 2.23 Rev B: Plots 29, 30, 33 and 34 Plans and Elevations
- Drawing No. HT BBS 8FB 2.10 – 2.23 Rev A: Bin and Bike Store Option B Plans and Elevations

- Drawing No. 728/01 Rev E: Landscaping Planting Plan
- Drawing No. 728/02 Rev D: Plant Schedules and Specification
- Drawing No. SS 4.5 x 4.5 GG RH 2.10-2.23: Proposed Substation
- Drawing No. N2947\_C600 Rev 09: Levels Plan
- Drawing No. N2947\_SK500 Rev 03: Drainage Concept

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

23. No above ground works shall commence on site until the proposed means of access off Meadow Lane leading to the development site has been designed and built.

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

24. Notwithstanding the submitted plans (2.3.1 Rev H & SK03), no above ground works shall commence on site until full engineering design and details of the offsite road layout, footpath links, street lighting, surface water drainage including longitudinal and cross sections and appropriate Road Safety Audits have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be implemented in accordance with the approved engineering.

Reason: To ensure the adequacy of the proposed development, in the interests of highways safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

25. Notwithstanding the submitted plans, no above ground works shall commence on site until full engineering design and details of the internal road layout, footpath links, street lighting, surface water drainage including longitudinal and cross sections have been submitted to an approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering prior to beneficial occupation of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highways safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

26. Notwithstanding the submitted plans, design and detail of the off-site highway works identified in the Safe Routes to School Assessment (V2) shall be submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be fully implemented in



accordance with the approved engineering prior to beneficial occupation of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highways safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

27. The developer shall provide the occupier of each dwelling with a Travel Plan/Welcome Pack which should contain the following:

- f) Bus/Train Service providers, their contact details, frequency of services, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
- g) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
- h) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
- i) Local and national cycle routes; and,
- j) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant National and Local Planning Policies.

28. Notwithstanding the details shown on the approved plans, a minimum of 10% of car/vehicle parking spaces shall be suitable for ULEV vehicles. The charging points shall be fully operational for such a time as the development is in beneficial use.

Reason: To comply with the requirements of PPW12 and improve environmental and cultural wellbeing of the people and communities.

29. 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;

- h) The means of access into the site for all construction traffic;
- i) The parking of vehicles of site operatives and visitors;
- j) The management of vehicular and pedestrian traffic;
- k) Loading and unloading of plant and materials;
- l) Storage of plant and materials used in constructing the development;
- m) Wheel cleansing facilities;
- n) The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process, unless otherwise agreed 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.

30. Prior to commencement of any identified phase of housing development, the developer shall provide detailed information that indicates the glazing and ventilation specifications offered as noise mitigation (both standard and enhanced) throughout the residential development, or any identified phase of the development so as to achieve internal noise levels in compliance with BS8233:2014. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: In the interests of residential amenity for future residents, in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

31. Prior to the commencement of development, the developer shall provide a detailed construction specification including noise mitigation properties and position of a barrier to be employed to the southern and eastern boundaries of the site, so as to achieve noise levels in private external amenity areas in compliance with BS8233:2014 of 55db(A)T or below. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: In the interests of residential amenity and to comply with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

32. The development hereby permitted shall not begin 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.

4. 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.
5. 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.

6. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

33. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme 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

34. 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 Local Planning Authority 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

35. No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- a. Construction methods: details of materials, how waste generated will be managed.
- b. General Site Management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- c. Measures to monitor and control the emission of dust and dirt during any material removal and construction.
- d. Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- e. Soil Management: details of topsoil strip, storage and amelioration for re-use.
- f. CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- g. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption; wastewater and energy use.
- h. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- i. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- j. Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed and implemented for the protection of the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

36. Prior to the commencement of development, full details of all precautionary, mitigation and enhancement measures, referred to in Section 6 of the Preliminary Ecological Appraisal (by ExCal, dated May 2024) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of Ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 37.A Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior

to commencement of works. The Landscape Management Plan shall be carried out as approved.

*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*

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

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

39. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

40. 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.

## NOTES

1. N52 Appeal
2. N27 Bats
3. N53 Building Regulations
4. N30 Low Coal Risk Area

5. N2 EV Charging
6. The Highway Authority will require the developer to enter into legally binding agreements (S38 and S278 of Highways Act 1980) to secure the proper design and implementation of the proposed works to the existing highway and the internal roads, footways and highway drainage including an appropriate bond.
7. The Council has statutory obligation under Public Health Act 1925 for naming and numbering of streets and buildings within its designated administrative boundary. The purpose of naming and numbering is to ensure that any new or amended streets and buildings are allocated logically and in a consistent manner to facilitate effective service delivery from both public and private sector bodies and in particular to ensure that emergency services are able to locate any address to which they may be summoned. The developer should therefore contact the Council's Street Naming and Numbering Officer at [NameNumbering@rctcbc.gov.uk](mailto:NameNumbering@rctcbc.gov.uk).
8. The developer should ensure at all times that they are employing best practice to minimise noise on the site; that adequate provision is made for the suppression of dust on the site during construction; all waste arising from the site is disposed of at a site licensed for its reception; and under no circumstances shall waste be burnt on site.
9. The applicant is advised that guidance on Site Investigations has been produced by the WLGA: Welsh Developers' Guide to Contaminated Land. The document can be downloaded from the Council's website: <http://www.rctcbc.gov.uk/en/relateddocuments/publications/environmentproject/wlgaawguidefordevelopersmay2012final.pdf>.)
10. Any scheme to import topsoil (natural or manufactured), or subsoil shall be undertaken in accordance with WLGA guidance: Imported Materials Guidance Notes: (<http://www.rctdoc.gov.uk/en/relateddocuments/publications/environmentproject/wlgaimportedmaterialsvalidationmay2013.pdf>)
11. In regards to the detailed design of the development the applicant should be made aware of the requirement of 'Schedule 3 of the Flood and Water management act 2010'.

From 7<sup>th</sup> January 2019 all surface water drainage for new developments are required to comply with mandatory National Standards for Sustainable Drainage Systems which will be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body (SAB) prior to the commencement of works.

In addition to the requirement to undertake SuDs approval, the applicant should be reminded that SuDs approval is outside of the Town and Country Planning Act and is not available retrospectively.

For further information related to the statutory requirement to undertake SuDs approval, the applicant should review the contents of the authority's website which provides an 'Overview of sustainable drainage' and a method for undertaking 'pre-application advice' or to submit a 'full application' for determination.

RCT Sustainable Drainage Approval Body -  
<https://www.rctcbc.gov.uk/EN/Resident/ParkingRoadsandTravel/Roadspavementsandpaths/SustainableDrainage/Sustainabledrainage.aspx>

Additionally, for further information, the applicant can contact the SAB through the following contact details:

1. Telephone Number (Payments) – 01443 494737
2. Telephone Number (General Enquiries) – 01443 281172
3. Email Address: [SAB.Application@rctcbc.gov.uk](mailto:SAB.Application@rctcbc.gov.uk)
4. Postal Address: Ty Sardis, Sardis Road, Pontypridd, CF37 1DU

12. The following comments have been received from Dwr Cymru Welsh Water and have been included for your information:

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

### **ASSET PROTECTION**

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

### **Advisory Notes**

As of 07/01/2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems

– designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Rhondda Cynon Taff Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

13. Wales and West Utilities apparatus may be at risk during construction works. The applicant is advised to contact Wales and West Utilities on 02920 278912 prior to starting any works on site.
14. Prior to the commencement of works, the developer should contact National Grid directly (0845 601 3341) to discuss their requirements and to avoid potential risk to apparatus in the vicinity. National Grid, where necessary, prepare detailed proposals and quotations for any necessary alterations and/or development of equipment at the site.



15. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the LPA (in the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding).
16. The following comments have been received from South Wales Fire & Rescue and are included for your information:

It is important that the following matters are dealt with in the early stages of any proposed development.

Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. In line with the Well-being of Future Generations (Wales) Act 2015 and the Future Wales – the national plan 2040 framework document, the following areas should be considered early in the planning process:

The climate emergency is likely to increase the risk of flooding as a result of sea level rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes, and these factors should be considered at an early stage in formulating any development proposals.

Wildfires are a significant potential threat particularly in populated areas adjoining green spaces such as mountains or forestry. Therefore, it is critical that new developments are designed with this in mind. Where a new development is proposed in an area which is at risk of a wildfire, consideration should be given on how to mitigate the spread of wildfires. For example, sustainable land management could assist with prevention measures.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant.

The developer should also consider the need for the provision of:-  
a. adequate water supplies on the site for firefighting purposes; and  
b. access for emergency firefighting appliances.

Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.