

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
6 MARCH 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 7
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APPLICATION NO: 10/0792 - OUTLINE APPLICATION FOR 77 NO. DWELLINGS AT YNYSCYNON FARM, CWMBACH
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1. PURPOSE OF THE REPORT

Members are asked to reconsider the terms of the Section 106 agreement for the above proposed development.

2. RECOMMENDATION

That Members resolve to accept the alterations to the Section 106 agreement as outlined below

3. BACKGROUND

Planning application 10/0792 was reported to the Development Control Committee on 16th August 2012. The application seeks outline planning permission for the construction of 77no. dwellings with access and scale not reserved for future consideration. Members resolved to approve the application in accordance with the officer's report which included the following heads of terms for the Section 106 agreement –

- A transport Tariff contribution per dwelling calculated as follows -
1 – 2 bedroom dwellings at £2,256 per unit x 75%
3,4 & 5 bedroom dwellings at £3,008 per unit x 75%
- An educational contribution of £12,257 to be provided for each new primary school pupil that the development would generate, (currently estimated at 24 in total).
- An affordable housing contribution as follows
4no. two bedroom units for low cost home ownership.
4no. two bedroom units for social rent.
1no. four-bedroom unit for social rent.

- Meeting the Councils legal costs in the preparation of this legal agreement.

A full copy of the original report to Members forms appendix A to this report.

In the time since Members made the resolution matters have altered somewhat. The alterations to the Cwmbach Primary School have been completed and the school now has the capacity to accommodate the pupils that this development would create. As such, it would now be considered unreasonable to insist on the £12,257 per additional pupil financial contribution towards education as there is capacity to accommodate these pupils within the extended school. As such it is recommended that the requirement to provide an education contribution be removed from the Section 106 agreement.

The applicant's agent has also indicated that it is his view that the transport tariff should not be applied as he is of the view that it does not meet the tests set down in the Community Infrastructure Levy (CIL) Regulation 122. For the avoidance of doubt the regulation referred to requires the following for a Section 106 requirement to be legitimate –

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

The agent points out that the Council is aiming to have the Community Infrastructure Levy in place by autumn this year and that the District Valuer has advised on the issue of viability and that consequently the as a matter of policy the Council should drop the transport tariff. The agent goes on to claim that for the Council to seek to impose the transport tariff through a Section 106 agreement when it has dropped the requirement as a matter of policy through CIL is irrational. The agent then goes on to argue that the requirement fails to meet the three tests (see above), the basis that firstly, the development is acceptable as it stands and the contribution is therefore unnecessary to make the development acceptable. Secondly, the payment is not directly related to the development as the scheme itself does not generate any required improvements to the local highway infrastructure and finally that the payment is not fairly or reasonable related in scale and kind to the development.

The actual position with regard to the CIL is that it still remains subject to an examination that is yet to take place. Furthermore it remains something that members are to approve before it becomes Council Policy. The transport tariff will only be reviewed if Members agree to adopt the full CIL package and until members take that decision it remains in force and should form part of the Section 106 package.

Further, Members are advised that the timing suggested by the agent for the adoption of CIL is a little askew as officers take the view that it would not be adopted before the end of this year rather than be adopted by the autumn as the agent suggests.

With regard to the regulation 122 tests outlined above, officers remain of the view that the requirement to pay a transport tariff remains valid. The transport tariff continues to be Council policy in accordance with the adopted Supplementary Planning Guidance which was based on a detailed report and assessment undertaken by Hyder which sets out the basis for the calculation. The report (which included the Aberdare Corridor (A4059 and B4275) in the view of officers provides the necessary evidence that the tariff meets the statutory tests in Regulation 122 as it assesses and quantifies the impact of new development on the existing strategic highway network. As such it is recommended that the transport tariff remains within the requirements of the Section 106 agreement associated with the development of this site.

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APPENDIX A

APPLICATION NO: 10/0792/13 (GD)
APPLICANT: Landare Investments Ltd
DEVELOPMENT: Outline application (some matters reserved) for residential development to include 77 dwellings.(Amended Description 18th April 2011)
LOCATION: FORMER YNYSCYNON FARM, CWMBACH, ABERDARE CF44 0JL
DATE REGISTERED: 18/04/2011
ELECTORAL DIVISION: Cwmbach

APPLICATION DETAILS

This application seeks outline planning permission for the residential development of the remainder of the Ynyscynon Farm site for the development of 77 dwellings. Though expressed in outline details in respect of access and scale are submitted for consideration at this stage. As matters of scale are to be agreed at this point the applicants have provided a layout that remains indicative that shows five potential house types the scale of which would meet the specific dimensions stated as follows:-

House type	Max Width	Min Width	Max Depth	Min Depth	Max Eaves Height	Min Eaves Height	Max Ridge Height	Min Ridge Height
Type A Detached	11m	8m	9m	8m	5.5m	5m	9.4m	7.3m
Type B S/Detached	9m	7m	8m	7m	5.5m	5m	8.9m	7.1m
Type C Detached	8m	7m	8m	7m	5.5m	5m	8.9m	7.1m
Type D Terraced	5m	4.5m	9m	7.5m	5.5m	5m	9.4m	7.6m
Type E Terraced	6m	5.5m	9m	8m	5.5m	5m	9.4m	7.3m

Access to the site is also to be considered at this stage and it is intended that Parkfield Road will be extended into the site and would then fork to form two cul de sacs to provide the main road layout for the site. The illustrative layout indicates how the dwellings could be developed either through direct frontage onto the principal cul de sacs or through the formation of secondary cul de sacs and private drives. The illustrative layout also demonstrates how footpath links might be achieved between the development site and Bracken Rise, and how the Public Right of Way network in the area that also links the application site with Windemere Close could be developed and protected.

SITE APPRAISAL

The application site is comprised in the 3.34 hectares of land that forms undeveloped north-eastern section of the Ynyscynon Farm (otherwise known as Ynyscynon Park) site. The site is steep and generally falls from north east to south west though there is also a substantial cross fall downwards in a south westerly direction towards the developed areas of Ynyscynon Farm.

The site is largely well defined by established residential development at its boundaries comprising the established elements of Ynyscynon Farm, Ynyscynon Street, Pinecroft Avenue and Windemere Close. The boundaries of the northernmost part of the site are defined by mature trees and hedgerow and the Nant Guegarn stream which are an element of a Site of Interest for Nature Conservation.

The site for the most part is largely overgrown with scrub vegetation however its boundaries and fringe area are in part well vegetated as described above.

PLANNING HISTORY

51/91/568	Nursing home together with 15no. elderly persons bungalows	Approved 04/01/92
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PUBLICITY

The application was advertised by means of press notice site notice and neighbour notification letters when originally submitted and was re-advertised when the number of proposed dwellings was reduced from 85 to 77 in May 2011. The following represents the objections and comments that have been received from the public.

- The proposed development if allowed would lead to an unacceptable degree of change in a quiet residential area
- The development of the site would lead to a loss of amenity brought about by the noise and dust associated with a development over a considerable period of time.
- The development of the site would lead to increased and unacceptable overlooking from height of established residential property due to the considerable difference in levels.
- It is difficult to assess from the submitted plans how close any of the housing will be to established property and how high above it that it will be set.
- The applicant indicates that in developing the site it is the intension to connect to the established sewers, it is claimed though that these remain in the ownership of residents being unadopted. Further many residents

indicate that they are defective and allowing development that would connect into them in such a state would be contrary to policy at the local and national level.

- Similarly residents indicate that the highway network is unadopted and the developer does not have the right to connect.
- The development will lead to a loss of trees, potentially including trees that are currently protected by a group tree preservation order. The development of the site could lead to the loss of further green space to the residents of Cwmbach and the creation of another large housing estate devoid of greenery.
- The junction for the existing estate with Well Place is dangerous and the development of the site will exacerbate this problem. Further, the development of a new bungalow at Well Place has encroached vision splays as has an extension of the curtilage of the end property on Well Place, this taken together with increased on street parking and the proximity of the public house all adds to the danger. In that the developer is not proposing to conduct improvements to these deficiencies prior to development proceeding residents take the view that the proposal also fails planning policy in this respect.
- A number of culverts and streams pass through the site and residents want to know how these will be dealt with. Further, residents are concerned that the development of the site might exacerbate the currently inadequate drainage of these features.
- A number of properties have retaining walls supporting the proposed development site and residents are concerned at the potential impacts of development on these structures.
- The application suggests that the site is not subject to flooding but the far western area is consistently wet and boggy.
- This development, taken together with other substantial new developments at Three Oaks and Tirfounder Fields would raise school capacity issues in the locality.
- The existing estate roads at Ynyscynon Farm are not adopted by the Council and this outstanding issue relating to the existing development needs to be resolved before any new development comes forward. Many residents feel that the lack of attention to this detail by the developer is a matter that should be taken into account in the determination of this planning application.
- There will be a serious deterioration of the roads brought about by construction traffic visiting the site
- The extent of advertisement of the application is questioned.
- The residents ask if the development of the site will affect the stability of the tip behind Pinecroft Avenue.
- The requirement to provide 10% social housing will lead to residents being plagued by anti social behaviour and vandalism. The redevelopment of the former Rose Row site is cited as evidence of this.
- The fact that new houses are not selling in the area is proof that they are not needed.
- If an accident occurs during construction then accountability should be accepted by whoever allows this application.

- The proposed development of this site along with that of others in the locality is considered by residents to be putting undue strain on local infrastructure, principally schools and doctors surgeries and this it is considered is contrary to planning policy at the local and national level.
- Three historic coal tips which bound the site and existing residents express concern at the potential effect of climate change on these tips – possibly making them unstable – as the likely line of movement would be towards the application site.
- The application site is considered to be unstable by residents and any application should be supported by a report that defines the problem and provides a means of addressing it, as required by planning policy.
- Loss of view.
- Foul flooding already occurs in Windemere Close above the site which Dwr Cymru Welsh Water has to deal with on a relatively frequent basis.
- The diversion of the public footpath would not be to the safest route.
- Allowing the proposal would remove the last element of green space in this part of Cwmbach.

CONSULTATION

Transportation Section - raise no objection subject to the incorporation of a series of appropriate conditions in any consent that might be issued and the developer entering into a legal agreement under Section 106 of the Town & Country Planning Act 1990 to secure highway maintenance and transport tariff contributions.

Countryside Section - there are no records of statutorily protected species being present in the vicinity of the application site. The impact of the proposal on any number of trees at the boundary of the site has been carefully considered and the applicant has established that the site can be developed in the manner proposed without any adverse impact on this aspect of the proposal.

Education & Lifelong Learning - advise that they raise no objections to the proposed development subject to the developer entering into a Section 106 agreement to secure a financial contribution towards education provision in the locality in accordance with the requirements of the Supplementary Planning Guidance on planning obligations.

Environment Agency Wales - raise no objection subject to conditions to secure the provision of a buffer zone adjoining the Nant Geugarn and the provision of adequate foul and surface water drainage to serve the development. They also go on to offer general advice in respect of flood risk and flood defence consenting and in respect of pollution control.

Housing Strategy - advise that the development should provide a total of nine affordable housing units comprising 4no. two bedroom units for low cost home

ownership along with 4no. two bedroom units and 1no. 4 bedroom unit for social rent.

Dwr Cymru Welsh Water - raise no objection to the proposed development subject to conditions that deal specifically with the management of the drainage of the site.

Public Health & Protection - no objections subject to conditions.

Land Reclamation & Engineering Manager - advises that run off from the site should be restricted to green field rates and that there is no objection to the proposed development subject to conditions.

Western Power Distribution - raise no objection to the proposed development and advise with regard to the position of their infrastructure in relation to the site and safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service - raise no objection to the proposed development subject to the site being developed in such a manner that provides adequate water supplies for fire fighting services and appropriate access for emergency fire fighting appliances.

POLICY CONTEXT

The Rhondda Cynon Taf Local Development Plan 2006 – 2021

Policy CS1 promotes development in the north of the borough including residential development which provides high quality affordable accommodation which promotes diversity in the residential market.

Policy AW1 prescribes how development land will be made available to meet housing needs, including through specific allocation in the Local Development Plan.

Policy AW4 lists contributions which may be sought by the Council when new development is brought forward.

Policy AW5 sets a series of criteria set around access and amenity that new development should meet.

Policy AW6 sets out a series of design and place making criteria that all new development should satisfy.

Policy AW8 aims to provide protection to local designations such as Tree Preservation Orders, and seeks appropriate mitigation where they are affected by development.

Policy NSA9.9 allocates this site for the development of up to 100 dwellings.

Policy NSA10 sets a minimum density requirement of 30 dwellings per hectare unless a deviation from this figure can be justified.

Policy NSA11 places a requirement for the provision of 10% affordable housing on developments of ten dwellings or more.

Planning Policy Wales

Paragraph 3.1.2. Indicates that applications for planning permission, or the renewal of planning permission, should be determined in accordance with the adopted development plan for the area unless material circumstances dictate otherwise.

Paragraph 3.1.8 States that when determining planning applications, Local Planning Authorities must take into account any relevant view on planning matters. While the substance of local views must be considered the duty is to decide each case on its planning merits.

Chapter 4 sets out general support for sustainable development across Wales through the planning process.

Paragraph 9.2. States that Local Planning Authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing.

Paragraph 9.3.1. Requires that new housing development should be well integrated with and connected to the existing pattern of settlements.

Paragraph 9.3.3. Indicates that insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation should not be allowed to damage an areas character or amenity.

Paragraph 9.3.6. Indicates that new house building in the open countryside should be strictly controlled.

Paragraph 13.4.2. Requires that new development should not increase the risk of flooding elsewhere or increase the risk of surface water run off.

Paragraph 13.4.3. Indicates that it is essential that the Environment Agency's advice is obtained and given due weight as a material consideration by planning authorities in determining planning applications.

Technical Advice Note (TAN) 12 Design

Paragraph 2.6.Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area should not be accepted.

Technical Advice Note (TAN) 15 Development and Flood Risk

Paragraph 7.4 Requires that proposals in areas at risk of flooding should be accompanied by a Flood Consequences Assessment.

PLANNING CONSIDERATIONS

The key considerations in the determination of this planning application are the planning policy considerations, highway safety, infrastructure impacts and the impact on ecology.

Planning Policy

Policy NSA 9.9 of the Local Development Plan allocates this site for the development of up to 100 dwellings. In that the site has difficult topography, and a heavily wooded boundary and that this application does not relate to the whole allocation it is considered that the proposed 77no. dwellings represent an amount of development that is appropriate to the site area. Given these facts it is considered that there can be no objection in principle to the residential development of this site. However, policy also touches upon issues such as amenity, safe and adequate access, infrastructure and ecology and if the application is considered sufficiently deficient in these area then policy could still be raised against this proposal. It therefore falls to consider these other key issues in turn.

Highway Safety

Access in to the site can only be reasonably achieved by extending Parkfield Road into the site itself. Though there is a difference in level between the two this would not present an insurmountable problem in highway terms. In any event other potential access points present greater difficulties both in terms of differing levels and the relationship with existing dwellings. The road then separates in two to form the principal roads that would serve the development and as a layout the Transportation Section have raised no objections. Members will note that much of what has been raised in objection to the proposed development relates both directly and indirectly to the highway network that is established to serve the existing development rather than what is now proposed. Notwithstanding the comments regarding the nature of this road network its capacity and status of its ownership the Transportation Section believe that subject to certain conditions the proposals are acceptable. However this position is subject to conditions which require substantive improvements to the proposed highway network than the current submission suggests including better access for buses and large vehicles that might use the site in the form of a mini roundabout that would enable better access and egress the roads being developed with traffic calming measures and home zones in built so as to force the reduction of overall traffic speeds.

Infrastructure

Issues relating to highway infrastructure are dealt with above. The other major physical infrastructure issue is that of the drainage of the site. The status of the existing drainage of the site remains unadopted and the

resolution of this issue is a matter between the local residents and the original developer of the site. It would not be appropriate to allow this issue to restrict the development of the balance of the site particularly as the Council's drainage engineers and Dwr Cymru/Welsh Water have made their expectations in respect of the development now proposed clear and have specified that the site can be appropriately developed.

In terms of social infrastructure, Cwmbach already benefits from established community halls and shops. The Director of Education has indicated that subject to contributions sufficient capacity can be made available in local schools. As far as Doctors surgeries are concerned the approach taken by the Local Health Board is different, as they tend to make provision to meet demand post development. Members will be aware though that there are long standing plans on the part of the board to consolidate provision on one site in nearby Aberdare. Sports and recreational facilities are available locally and in nearby Aberdare where proposals for redevelopment at the Ynys will if brought forward improve accessibility.

In terms of mobility the site lies within comfortable walking distance of local bus stops which link Cwmbach with Aberdare and the wider County Borough through a choice of transport types.

Ecology

It has been acknowledged by the applicant that the site is ecologically sensitive. This fact is reflected in the initial ecological assessment work and the supplementary ecological work undertaken on the applicant's behalf by David Clements Ecology. The work has also had consequences for the current proposal in that it has resulted in the applicants agreeing to a reduction in the overall number of dwellings to be provided and in the positioning of those dwellings. The application has now reached a position where the applicant has been able to demonstrate that the proposal would have no adverse impact on the trees and streams that bound the site that could not be mitigated by meeting the conditional requirements of Environment Agency Wales and the Council's ecologist.

Other Issues

Some of the residents have indicated that the development of this part of the site would result in disruption and pollution during the development phase, this however forms no basis for refusing the current application as it is an issue that can be sufficiently controlled through planning conditions and other legislative powers available to the Local Authority.

On the issues of increased overlooking and levels members should first note that this is an outline application with only access and scale being considered in detail at this time. The illustrative plan submitted in support of the application shows that the site could be developed largely in a way that would lead to new development facing gable ends or with good distance between proposed and established buildings. Further, the applicant has provided

sectional details based on the illustrative layout that further explains the relationship between existing and proposed development. and how they might sit in relation to each other. This gives sufficient comfort that the site could be developed to acceptable levels given the nature of the underlying terrain however, if Members are minded to support this development then an appropriate condition is suggested that finished levels of the proposed site are to be agreed prior to the commencement of development.

Some residents have indicated that they have retaining walls supporting the higher ground of the application site and that they are concerned that the proposed development would lead to an increased loading on their walls. This is in the first instance a private matter for the residents concerned and whether there is any effect at all would be dependant upon any future detailed design.

It is well documented that the site and much of the existing development at Ynyscynon Park suffers from poor underlying ground conditions. However this did not present an obstacle to the development of the earlier phases of the site and should not to the part of the site now brought forward subject to the developer having due regard to the underlying conditions. Should Members be minded to support the proposal a suitable condition would be attached.

Remarks made by residents about adjacent coal tips are entirely speculative and not backed by any evidence. As such these comments can have no bearing on the current application.

Legal Agreement.

In addition to the conditions suggested below any consent will also need to be subject to a legal agreement under Section 106 of the Act with the following heads of terms.

- A transport Tariff contribution per dwelling calculated as follows -
1 – 2 bedroom dwellings at £2,256 per unit x 75%
3,4 & 5 bedroom dwellings at £3,008 per unit x 75%
- An educational contribution of £12,257 to be provided for each new primary school pupil that the development would generate, (currently estimated at 24 in total).
- An affordable housing contribution as follows
4no. two bedroom units for low cost home ownership.
4no. two bedroom units for social rent.
1no. four-bedroom unit for social rent.
- Meeting the Councils legal costs in the preparation of this legal agreement.

RECOMMENDATION: Grant

Approve subject to the developer entering into a Section 106 agreement under the terms outlined above and the following conditions:

1. (a) Approval of the details of the appearance, layout, and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) to the layout and appearance of any building to be erected, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. Before the submission of the application for the approval of reserved matters, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. 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.

4. 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 the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. 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.

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

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

6. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a. An appropriate scale plan showing 'Wildlife Protection Zones' where

- construction activities are restricted and where protective measures will be installed or implemented;
- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'.

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

8. Notwithstanding the submitted details, prior to the commencement of the development, a Habitat Management Plan shall be submitted to and approved in writing by the Local planning Authority. The plan shall include:
- a) Purpose, aims and objectives of the scheme.
 - b) A review of the site's ecological potential and constraints.
 - c) Description of target habitat features to be restored.
 - d) Selection of appropriate strategies for achieving habitat restoration.
 - e) Selection of specific restoration techniques and practices for re-establishing vegetation.
 - f) Sources of habitat material.
 - g) Method statement for restoration of vegetation.
 - h) Extent and location of proposed works.
 - i) Aftercare and long-term management.
 - j) Personnel responsible for works.
 - k) Timing of works.
 - l) Monitoring.
 - m) Disposal of arisings.

All restoration works will be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Any amendments to the Habitat Management Plan during the operation of the windfarm required as ongoing monitoring shall be submitted to and approved in writing by the Local planning Authority prior to

their implementation.

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

9. Construction works on the development shall not take place other than during the following times:
- i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) 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.

10. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

11. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans unless the Local Planning Authority gives written consent to any variation.

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

12. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales (4th Edition) February 2011.

13. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission

Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales (4th Edition) February 2011.

14. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales (4th Edition) February 2011.

15. The illustrative master plan drawing no.G1204/C is not approved for the purposes of highway safety, the free flow of traffic or car parking.

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

16. Notwithstanding the submitted layout plans, development shall not commence until full engineering design and details of the internal road layout including sections, street lighting details and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

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

17. Notwithstanding the submitted layout plans, access, parking circulation and traffic calming shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the adequacy of the named features within the development site in the interests of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. No development including works of site clearance, shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority to provide for:-

- i) The means of access into the site for all construction traffic.
- ii) The parking of vehicles of site operatives and visitors.
- iii) The management of vehicular and pedestrian traffic.
- iv) The haulage routes for the transport and export of materials,
- v) Wheel cleansing facilities, and;
- vi) 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 with the Local Planning Authority.

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

19. Prior to the commencement of development, a report indicating a methodology for undertaking a condition survey of Parkfield Road affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include the timescales for undertaking the surveys and the methods for reporting the findings to the Local Planning Authority, comprehensive photographs and potential compensation arrangements. The development shall not be brought into use until the final survey on completion of the development hereby approved and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority, unless written consent is given to any variation.

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

20. No development shall commence until a scheme for the provision and implementation of surface water regulation has been submitted to and agreed in writing by the Local Planning Authority. Such scheme as may be agreed shall be implemented prior to the development being brought into beneficial use unless the Local Planning Authority gives written consent to any variation.

Reason: To minimise the risk of flooding and to secure the satisfactory drainage of the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

21. Notwithstanding the details hereby approved, details of the finished levels for the site in relation to existing levels and the levels of established residential properties shall be submitted as part of the reserved matters submission for this development.

Reason: In the interests of residential amenity and to ensure the satisfactory development of the site in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

6 MARCH 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 10/0792 -
OUTLINE APPLICATION FOR 77
NO. DWELLINGS AT YNYSCYNON
FARM, CWMBACH**

OFFICER TO CONTACT

**MR G DAVIES
(Tel. No. 01443 494741)**

See Relevant Application File

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