

**APPLICATION NO:** 12/0929/13 (PB)  
**APPLICANT:** Newhall House LLP  
**DEVELOPMENT:** Development of up to 600 residential dwellings and ancillary development, including commercial/retail facilities within Use Class A1 (maximum gross internal floorspace of 464 square metres), together with associated infrastructure works, provision of formal and informal open space, retention of wildlife habitats, and demolition of existing buildings and structures at Trane farm (outline application with all matters reserved). Application accompanied by an Environmental Statement received 23 August 2012 plus Transport Chapter ES Addendum and Transport Assessment received 25 November 2013 (amended description 18 February 2014)(amended plans received 17 December 2014 showing revised highway alignment and sections, including retention of bat roost at Trane Lane and indicative proposals for green corridors, dark corridors and associated highway crossing points within the development site)  
**LOCATION:** LAND AT TRANE FARM, TONYREFAIL.  
**DATE REGISTERED:** 08/10/2012  
**ELECTORAL DIVISION:** Tonyrefail West

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**RECOMMENDATION:** Approve subject to Section 106 Agreement.

**REASONS:**

The application relates to land that is allocated for residential development in the LDP therefore, as a matter of principle, is acceptable. However, the development project, which is the subject of an Environmental Statement, has given rise to several complex planning considerations, chiefly those summarised below.

- The application site encompasses and therefore has considerable potential to impact adversely upon sensitive ecological habitat, in particular two parcels of the Rhos Tonyrefail SSSI, which are required to be safeguarded and managed to sustain their long term integrity. This key objective is to be delivered via a Section 106 Agreement in conjunction with the applicant, current landowners and the South and West Wales Wildlife Trust.
  - The existing water supply and sewerage disposal network in the locality does not have sufficient capacity to accept the overall development project at this scale, which will pose a risk to public health and the environment. This issue is capable of being addressed by conditions
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that require the provision of up-grades in the water supply and sewerage infrastructure before and during the early stage phase of the development, which will necessitate significant upfront investment on the part of the developers.

- The development is of a scale that will place significant demands on school places and on the strategic highway network. Mitigation for these affects will be delivered through the Community Infrastructure Levy, while mitigation for its effects on local public open space and affordable housing provision will be secured as part of a Section 106 Agreement.
- The development involves proposals for the re-configuration of Trane Lane so that it will form part of an adoptable highway network serving the development. This element of the project will completely alter the character of the Lane and affect the amenity of residents whose properties are located along its length, though has to be balanced against the benefits of meeting the wider housing needs of the County Borough. This is the most publicly controversial aspect of the project.

In respect of all other material considerations the proposal is considered acceptable, or capable of being made so by the imposition of conditions. Accordingly, outline planning permission is recommended subject to a Section 106 Agreement.

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## **APPLICATION DETAILS**

This application is made in outline with all matters of detail reserved at this stage. The proposal seeks in principle consent for the development of up to 600 dwellings and ancillary development, including commercial/retail facilities within Class A1 (maximum gross internal floorspace of 464 square metres), together with associated infrastructure works, provision of formal and informal open space, retention of wildlife habitats, and demolition of existing buildings and structures at Trane Farm.

The illustrative master plan that accompanies the application indicates that development is envisaged in the form of three main zones as follows:

- Zone A – 135 residential units on a parcel of land to the west of the site (adjacent to Gilfach Road and north of Mountain View).
- Zone B – 263 residential units on the central portion of the site (north of Gilfach Road roundabout and west of Trane Lane).
- Zone C – 202 residential units on the eastern section of the site (east of Trane Lane and north of Bryngolau).

Zones B and C, which comprise the majority of the development area of the overall site, the illustrative master plan indicates several interconnected parcels

of residential development, which could correspond to phases. Much of the existing field boundary hedgerows and trees would be retained as natural breaks and corridors between the parcels of development. Also, the ecologically sensitive wildlife habitat land and features would be retained and managed as part of the proposal.

Zone A would be served by a self-contained access directly off Gilfach Road west of Gilfach roundabout. This zone will be accessed independently of the remainder of the site.

Zones B and C will be served and connected via an internal road network from Gilfach Road roundabout and Trane Lane. It is proposed to construct a new arm to the north into the site off the Gilfach Road roundabout, which will serve as the principal access. In order to provide a suitable second access to the proposed development, it is proposed to upgrade the existing Trane farm access track (Trane Lane). The southern section of the track (from the northern kerbline of Gilfach Road for a distance of approximately 29 metres) will be 'stopped-up' and the track diverted to link with Bryngolau / Caergwerlais at a new mini-roundabout junction. The existing track will then be widened to approximately 5.5 metres wide with a 2.0 metres footway alongside the carriageway. Traffic generated by the proposed development will then access Trane Lane via the Gilfach Road / Bryngolau junction, which is being to a traffic signal control to incorporate a fourth arm access to the Llanmoor Homes development underway to the south of Gilfach Road.

Each of the proposed vehicular accesses to the site will include pedestrian facilities leading to and from the development as well as across the access. In addition, it is proposed to construct a new footway along the northern kerbline of the A4093 Gilfach Road, connecting the western part of the site with the Gilfach Road roundabout and Tonyrefail. Also, as part of the development, it is proposed to maintain and enhance the existing footpath/bridleways across the site. The indicative masterplan for the site includes the provision of a dedicated pedestrian/cycle access to Caergwerlais, connecting through Bryngolau estate to the B4278 Gilfach Road.

In accordance with current requirements for outline planning applications the applicant has indicated the scale parameters as follows:

	Width		Depth	
	Min	Max	Min	Max
Standard residential building	5m	50m	5m	15m
Corner residential building (incorporating two elevations)	9m	60m	5m	15m

Building heights are expected to generally be two storeys, though it is expected split level dwellings will be used in the steeper parts of the site where three-storey town houses may be utilised.

The application is accompanied by the following:

An Environmental Statement that covers the following topics:

- The EIA process.
- Planning policy context
- Site context
- Project Description and consideration of alternatives
- Landscape and visual impact
- Ecology and nature conservation
- Noise and vibration
- Ground conditions
- Hydrology and drainage
- Archaeology and Cultural Heritage
- Transport, Traffic and Movement
- Socio-economic context

The Environmental Statement is supplemented with Appendices and a Non-technical Summary.

In addition to the Environmental Statement the application is accompanied by:

- Design and Access Statement;
- Transport Assessment
- Stage 1 Road Safety Audit August 2014
- Stage 1 Road Safety Audit December 2014
- Extended Phase 1 Habitat Survey
- Supplementary Ecological Surveys – Summary Report
- Supplementary Mitigation Strategy (Ecology)
- Statement of Community Consultation
- Code for Sustainable Homes – Pre-assessment Report
- Outline Surface Water Strategy
- Existing Surface Water Strategy.

## **SITE APPRAISAL**

The application site measures 33.11 hectares and is moderate to fairly steeply sloping greenfield land that straddles the hillside north of Gilfach Road between the western edge of Tonyrefail and east of Gilfach Goch and Hendreforgan. The site generally comprises two broadly rectangular pieces of land on an east-west orientation and connected by a smaller land parcel towards the centre of the site.

The land is a mosaic of primarily improved grazing pasture with areas of marshy grassland, hedgerow, scrub vegetation, willow and birch woodland. Several small streams drain the land, flowing from north to south off the higher ground. Hedgerows on the land form a visually prominent network of vegetation, several of these lie on hedge-banks or alongside dry-stone walling.

Site boundaries to the south are defined by mature hedgerows and tree lines. The northern and eastern boundaries, however, are more open with only post and wire fence with individual trees or dry-stone wall boundaries. The southern boundary is defined by the A4093, the B4278 Gilfach Road and to the south east by the residential estate at Bryngolau and a field parcel. To the eastern boundary, beyond a small cluster of fields, lies the north-eastern core of Tonyrefail. The northern boundary adjoins open countryside. To the west lies the residential area of Hendreforgan and beyond that lies the settlement of Gilfach Goch. Beyond the site boundary to the south, across Gilfach Road, lies the residential estate of Dan-y-Fron and the early phase of the newly constructed residential estate on the former Padfield Court industrial site. Beyond the site boundary to the south-west, across the A4093, lies a relatively new housing development accessed off Mountain View road.

The application site incorporates two parcels of land that are designated as part of the Rhos Tonyrefail Site of Special Scientific Interest (SSSI). In addition the application site encloses Tonyrefail (Trane) Cemetery. Trane Lane, which is a single track lane extending north off Gilfach Road and serving as an access to Trane Farm and several detached dwellings, also is included with the application site and proposals.

## PLANNING HISTORY

**The recent planning history of the site is set out as follows:**

10/0316	Land at Trane Farm, Gilfach Road, Tonyrefail, Porth	Variation of condition to extend period of time under Condition 1(b) of consent 08/0398/15 for application for the approval of Reserved Matters to the 27th May 2012.	Pending
08/0398	Land at Trane Farm, Gilfach Road, Tonyrefail, Porth	Variation of condition to extend period of time under condition 1(b) of consent 07/0220/15 (which varied consents 05/0887/15 and 00/2416/13) for application for the approval of Reserved Matters to 27.5.10 (amended description received 25/04/08).	Granted 11/06/08

07/0332	Land adjoining Trane Farm, Gilfach Road, Tonyrefail, Porth	Residential Development (Outline Application)(Amended site plan received 19 June 2007)	Pending
07/0220	Land at Trane Farm, Gilfach Road, Tonyrefail, Porth	Variation of condition to extend period of time under Condition 1(b) of consent T/00/2416/13 and Condition 1(b) of consent 05/0887/15 for application for the approval of Reserved matters to 27th May 2008.	Granted 26/04/07
05/0887	Land at Trane Farm, Gilfach Road, Tonyrefail, Porth.	Removal variation of condition 1B of planning consent 00/2416/13 to extend date of Outline planning permission for residential development to 26th May 2007.	Granted 27/07/05
03/0897	Land at Trane Farm, Gilfach Rd, Tonyrefail, Porth.	Extension of period of time under condition 1(b) of Consent T/00/2416/13 for submission of the application for the approval of Reserved Matters to 26th May 2005(Residential Development).	Granted 20/02/04
01/2294	The Barn, Trane Farm, Gilfach Road, Tonyrefail, Porth.	Rebuild barn as dwelling.	Refused 15/06/01
01/2628	The Barn, Trane Farm, Gilfach Rd, Tonyrefail, Porth	Rebuild barn as dwelling.	Refused 24/09/01
00/2628	The Barn, Trane Farm, Gilfach Rd, Tonyrefail, Porth	Rebuild barn as dwelling.	Refused 15/01/01
00/2416	Trane Farm, Gilfach Rd, Tonyrefail, Porth	Renewal of application 97/2208 - Residential Development.	Approved 11/08/00

## **PUBLICITY**

The application has been the subject of an initial programme of publicity, including neighbour notification, site notices and a press notice. Following

revisions to the scheme being submitted in November 2013 a further round of publicity involving neighbour notification, site notices and a press notice have been undertaken. A further round of publicity involving neighbour notification of residents of Trane Lane has been undertaken following amendments submitted in December 2014 showing revised alignment and sections, including retention of a bat roost building, at Trane Lane, and indicative proposals for green corridors, dark corridors and associated highway crossing points within the development site.

A total of 9 letters of objection have been received, the majority originating from residents of dwellings on Trane Lane. The grounds of objection are summarised as follows:

- The development will be domineering and imposing, highly visible from many areas of Tonyrefail and will break the natural skyline.
- Development will create considerable demand for school places, yet doesn't provide the new school included in the Local Development Plan.
- Major increase in traffic on Gilfach Road with high car usage at school times.
- Development will completely surround and prevent future expansion of Trane Cemetery.
- Proposed 5-spur roundabout alteration will be traffic hazard due to geometry and busy traffic flows
- Development will increase traffic flows on congested roads in Tonyrefail town centre.
- Potential adverse affects of ground water, water run-off and drainage from the development during and after its construction.
- Loss of greenfield land in Tonyrefail at time when Coed Ely colliery remains vacant.
- Objection to use of Trane Lane as access to the development, which will result in loss of 60 mature oak trees and wildlife habitat, and will completely change the character of the lane.
- Loss of privacy to occupiers of dwellings on Trane Lane. Disruption during construction alone could last for years.
- Loss of privacy and tranquillity to visitors, including mourners, attending Trane Cemetery.
- Better accesses could be created off Bryngolau, Caergwerlais and elsewhere along Gilfach Road as alternatives to Trane Lane.
- Why the need for a second access? Other large developments nearby at Mountain View and Gelli Seren have only one access.
- Development will not better Tonyrefail, which already does not have enough facilities to cope with its population.
- Cumulative impact on traffic in combination with other recent housing developments in the locality.
- Lack of need for retail development associated with the proposal as there enough small independent retail outlets in the locality.

- Lack of detail of what is proposed for the retail element of the scheme.
- Retail element located too near the junction with Gilfach Road and will cause nuisance and hazard to traffic and pedestrians.

In addition to the above the Tonyrefail and District Community Council has expressed concern that the development will effectively result in Trane Cemetery becoming land locked.

## **CONSULTATION**

Transportation Section – no highways objection is raised. The submitted information, documents and plans have been reviewed and considered acceptable subject to mitigation measures in relation to off-site highway improvements as well as within the site curtilage. The mitigation measures and satisfactory provision of infrastructure within the site curtilage shall be addressed by means of planning conditions. It is on this basis above, that the proposal is acceptable.

Education Service – a development of this considerable scale (700 houses) is likely to generate at least 220 pupils of Primary school age, for whom school places must be provided.

Housing Strategy – requires provision of affordable housing in accordance with LDP requirements and Local Housing Market Assessment.

Dwr Cymru/Welsh Water – prepared to allow no more than 50 dwellings to be occupied until water supply network upgrades described in the Conclusion and Recommendation the Clean water Hydraulic Modelling Assessment Report issued June 2014 have been carried out in order to protect the integrity of the public water supply. Also, requires no dwellings to be occupied until off-site improvement to the local public sewerage network in accordance with solutions in the Dwr Cymru's Hydraulic Modelling Report issued in November 2012 have been completed in order to protect the integrity of the public sewerage system.

Natural Resources Wales (NRW) - providing the following issues are addressed through the implementation of appropriate planning conditions and/or obligations, Natural Resources Wales has no objection to this proposal.

### Section 106

Details of the financial measures to secure:

- Long term management of the SSSI.
- Management of the wildlife corridors through the site.
- The retained Natterer's bat roost building and associated monitoring provisions.

- Details of management and monitoring of SSSI, wildlife corridors and ecological areas including the retained bat roost building.
- Details and assurances should also be provided by the applicant that an appropriately skilled body will be employed to implement the management provisions.

### Conditions

- The scheme shall be implemented in accordance with drawings no: 1039503-P-S-003 RevB Sketch Plan-Layout 19 0614.pdf. Figure 02-04RevC – Site Green Corridor Sketches (2) (2).pdf, taking into account our comments above regarding the use of wildflower mixes.
- The preparation of a scheme to monitor the Natterer's bat roost associated with the existing farmhouse at Trane, to be submitted to and agreed in writing by the Local Planning Authority (LPA) in consultation with NRW. The scheme to be implemented as agreed. Should the monitoring show a decline in population, remedial measures should be agreed in writing and implemented to the satisfaction of the Local Planning Authority.
- Lighting  
We advise a condition to be agreed in writing before the start of any works a scheme for lighting consistent with the requirements of wildlife particularly bats; the lighting plan to include measures to monitor lux levels as part of the need to maintain dark corridors. This scheme should address the construction phase, any phasing of the development and the operational phase and include remedial action to be undertaken where problems are identified by the monitoring scheme. Scheme to be implemented as agreed.
- Management  
We advise a condition to agree in writing the preparation and implementation of a management plan, for all existing and new habitats. The plan should include proposals for on-going review of management and consequential amendments to management if these are shown to be necessary by the monitoring scheme. The scheme shall also include details of new plantings associated with the wildlife corridors, shrub planting adjacent to the retained bat roost and the relevant timing of these provisions. The scheme shall be agreed with the Local Planning Authority and implemented as agreed.

NRW welcomes the retention of the Natterer's bat roost which is now proposed as part of the scheme. NRW considers that the retention of the Natterer's bat roost is not incompatible with the use of the building for another purpose, providing its security can be delivered by appropriate legal agreement.

Glamorgan Gwent Archaeological Trust – notes the acknowledged historic significance of Trane Farmhouse (constructed 1601) and associated building

which are to be demolished. No objection offered subject to two conditions to ensure all features in the fabric of Trane Farm buildings and any buried archaeology are suitably investigated and recorded.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to comments and conditions covering demolition of existing dwellings, noise arising from demolition and construction, mechanical plant noise, traffic noise, air quality, dust, disposal waste, contaminated land, and lighting.

## **POLICY CONTEXT**

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

**Policy CS2** - sets out criteria for achieving sustainable growth in the Southern Strategy Area including,

- Promoting residential development with a sense of place that respects the principal towns and key settlements.
- Focussing development within settlement boundaries and on previously developed land.
- Promoting large scale regeneration schemes in Tonyrefail
- Protecting the natural environment.

**Policy CS3** - requires land to be allocated in sustainable locations to meet the housing requirements of the County Borough in the plan period.

**Policy CS4** – defines the requirement for housing land, to be met in sustainable locations.

**Policy CS5** - requires the provision of affordable housing.

**Policy AW1** - defines the housing land supply, to be met partly by development of the allocated land in the Local Development Plan.

**Policy AW2** - Defines sustainable locations for development including

- Sites within settlement boundaries.
- Sites with good transport accessibility.
- Sites with good access to services and facilities.
- Sites outside of flood risk zone C2 unless there is justification.
- Sites that support principal towns, key settlements and smaller settlements.
- Sites that support the strategic sites, and;
- Sites that are well served by infrastructure.

**Policy AW4** - Provides for the securing of community infrastructure and planning obligations which the Council may seek in respect of new development.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW7** - Requires new development to preserve or enhance the character and appearance of sites of historic merit. This policy also requires development affecting public rights of way to enhance or replace the route unless there is no need for it.

**Policy AW8** – protects natural heritage from inappropriate development. Development affecting protected species is required to protect and manage the species and mitigate any impacts.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding and other hazards, such as contaminated land, air pollution and noise pollution.

**Policy SSA4** – promotes residential development and commercial development in Tonyrefail, subject to criteria including a high standard of design.

**Policy SSA5** – requires land for new education facilities to be made available within the Trane Farm development.

**Policy SSA10** - Allocates land at Trane Farm as a non-strategic site for the development of 700 residential dwellings. Further details are set out in Appendix 1 of the LDP.

**Policy SSA11** - Requires a minimum housing density of 35 dwellings per hectare.

**Policy SSA12** - seeks a minimum affordable housing contribution of 20%.

**Policy SSA13** - Sets general criteria for housing development within settlement boundaries.

### Supplementary Planning Guidance (SPG)

- Design and Placemaking
- Delivering Design and Placemaking – Access, Circulation and Parking Requirements
- Planning Obligations
- Nature Conservations
- Affordable Housing

### National Guidance

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

### Planning Policy Wales

### Chapter 2 (Development Plans)

Paragraph 2.1.2. Indicates that Local Development Plans should provide a firm basis for rational and consistent decisions on planning applications and appeals. They are fundamental to planning for sustainable development. 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 circumstances dictate otherwise. Conversely applications which are not in accordance with the relevant policies in the plan should not be allowed unless material considerations dictate otherwise.

Paragraph 2.4.4 states that provision for land for schools should be made.

### Chapter 3 (Making and Enforcing Planning Decisions)

Paragraph 3.1.2. States that planning applications should be determined in accordance with the Local Development Plan unless material circumstances dictate otherwise.

Paragraph 3.1.3. Factors to be taken into account in making planning decisions (material considerations), must be planning matters, that is, they must be relevant to the regulation of development and the use of land in the public interest towards the goal of sustainability.

Paragraph 3.1.8. Indicates that while the substance of local views must be considered, the duty is to decide each case on its planning merits.

### Chapter 4 (Planning for Sustainability)

Paragraph 4.7.4 Local Planning Authorities should assess the extent to which new development is consistent with minimising the need to travel and increase accessibility by modes of transport other than the private car.

Paragraph 4.11.8. promotes good design in high density developments.

### Chapter 5 (Conserving and Improving Natural Heritage and the Coast)

Paragraph 5.1.1. Indicates that the natural heritage and valued landscapes of Wales are not confined to statutory designated sites but extend across all of Wales.

Paragraph 5.1.2. Indicates that amongst the Welsh Governments objectives for the conservation and improvement of the natural heritage are, promotion of landscape conservation and biodiversity, ensuring that statutory designated sites are properly protected and managed and the safeguarding of protected species.

Paragraph 5.1.3. Indicates that a key role of the planning system is to ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment.

Paragraph 5.3.11. States that non statutory designations such as SINC's should not be allowed to unduly restrict acceptable development.

Paragraph 5.5.1. States that biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects.

Paragraph 5.5.8 states that there is a presumption against development likely to damage a Site of Special Scientific Interest

Paragraph 5.5.11. States that the presence of a species protected under UK or European legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to a species or its habitat.

Paragraph 5.5.13 states that local authorities must ensure that adequate provision is made for the planting or preservation of trees by imposing conditions when granting planning permission and/or by making TPO.

#### Chapter 7 (Economic Development)

Paragraph 7.1.5. Effective planning for the economy requires Local Planning Authorities to work strategically and co-operatively steering development and investment to the most efficient and most sustainable locations.

Paragraph 7.6.1. Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses Local Authorities should take account of the likely economic benefits of the development based on robust evidence.

#### Chapter 8 (Transport)

Paragraph 8.1.1. The Welsh Government aims to extend choice in transport and accessibility in a way which supports sustainable development and helps to tackle the causes of climate change by encouraging a more effective and efficient transport system, with greater use of more sustainable and healthy forms of travel and by minimising the need to travel.

Paragraph 8.7.1 Indicates that when determining a planning application that has transport implications, Local Planning Authorities should take into account:

- The impacts of the proposed development on travel demand.
- The level and nature of public transport provision.
- Accessibility by a range of different transport modes.
- The willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic to overcome transport objections to the development.
- The environmental impact of both the transport infrastructure and the traffic generated, and;
- The effects on the safety and convenience of other users of the transport network.

Paragraph 8.7.2 demands that proposals for over 100 dwellings should be accompanied by a transport assessment.

### Chapter 9 (Housing)

Paragraph 9.1.1. sets out the Welsh Government's objectives for housing as:

- To provide more housing of the right type and to offer more choice.
- To improve homes and communities, including energy efficiency of new and existing homes, and;
- To improve housing related services and support, particularly for vulnerable people and people from minority groups.

And that the Welsh Government will seek to ensure that

- Previously developed land is used in preference to Greenfield sites.
- New housing and residential environments are well designed
- The overall result of new housing development is a mix of market and affordable housing that retains, and where practical enhances important landscape and wildlife features in the development.

Paragraph 9.1.2 advocates residential development that is easily accessible by public transport, cycling and walking, and making the most efficient use of land.

Paragraph 9.2.3. States that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a five year supply of land for housing.

Paragraph 9.2.14. States that affordable housing need is a material consideration.

Paragraph 9.3.1. Requires that new housing development should be well integrated with and connected to the existing pattern of settlement...Where housing development is on a significant scale, it should be integrated with

existing or new industrial, commercial or retail development and with community facilities.

Paragraph 9.3.4. States that in determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an areas character or amenity,

Paragraph 9.3.5. Indicates that where development plan policies make clear that an element of affordable housing, or other developer contributions are required on specific sites, this will be a material consideration in determining applications. If, having had regard to all material considerations, the Local Planning Authority considers that the proposal for a site that does not contributes sufficiently towards the objective of creating mixed communities, then the Authority will need to negotiate a revision of the mix of the housing or may refuse the application.

Paragraph 10.1.4 advises that individual outlets with a retail function which are not part of established centres can play a vital economic and social role in a local community.

#### Chapter 12 (Infrastructure and Services)

Paragraph 12.1.4. Indicates that the Welsh Government aims to secure the environmental and telecommunications infrastructure necessary to achieve sustainable development objectives, while minimising adverse impacts on the environment, health and communities.

Paragraph 12.1.5 States that the planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source.

Paragraph 12.1.6. States that the capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of development plans and the consideration of planning applications. In general Local Planning Authorities should seek to maximise the use of existing infrastructure and should consider how the provision of different types of infrastructure can be coordinated.

#### Chapter 13 (Minimising and Managing Environmental Risks and Pollution)

Section 13.4. Advises that development proposals in areas defined as being of high flood hazard should only be considered where new development would not increase the potential adverse impacts of a flood event.

Section 13.5. Confirms that the planning system should guide development to lessen the risk from natural or human made hazards. The aim is to ensure that

development is suitable and that the physical constraints on the land, including the impact of climate change, are taken into account at all stages of the planning process.

Section 13.7 Confirms that planning decisions need to take account of the potential hazard that contamination presents to the development itself, its occupants and the local environment and; the results of specialist investigations and assessments by the developer to determine the contamination of the ground and to identify any remedial measures required o deal with any contamination.

Section 13.9 Confirms that planning decisions need to take full account of any hazards that might result from land instability.

Section 13.12 Confirms that the potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission.

Section 13.15 Confirms that noise can be a material consideration. Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems and prevent light pollution.

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 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- 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**

#### **Relationship of proposed development to planning policy**

The adopted Rhondda Cynon Taf Local Development Plan allocates 37 hectares of land at Trane Farm, Tonyrefail for the development of 700 houses under Policies CS 4 and SSA 10. This application site covers 33.11 hectares of the Local Plan allocation and will implement a large housing development in a key settlement proposed in the LDP, and will contribute to the 5-year housing land supply. It is therefore supported in principle. However, ecology, affordable housing, education and highways issues are key issues, amongst others, that all have to be considered and are discussed in greater detail later in this report.

### Site boundary

As stated above the application site is just over 33 hectares, compared to the LDP allocation of about 37 hectares. There are about 5 hectares of allocated land not included, comprising:

- Land off Cae'r Gwerlas
- The Wildlife Sanctuary site (subject of a separate 2007 application)
- Triangle west of cemetery, south of SSSI
- Mr Gibb's land
- O'r Diwedd
- Triangle north of O'r Diwedd

The application site includes about 1 hectare of land outside the allocation, for highway works.

At the pre-application stage Council officers advised against the allocation being planned in a piecemeal fashion. However, it now has to be acknowledged that the applicant has made efforts to reach agreement with landowners. The illustrative masterplan shows how the larger excluded areas could be incorporated as later phases of the development. In view of the 5-year housing land shortage, it is not considered reasonable to delay the whole development while the applicant reaches agreements that may have little prospect of being concluded.

### Dwelling numbers and density

The allocation is for 700 dwellings on 37 hectares, or 33 hectares excluding the Rhos Tonyrefail SSSI. The LDP gross density is low at 21 dwellings per hectare (i.e. 700/33), compared to the target of 35 dwellings per hectare (dph) in policy SSA 11.

The application is for "up to 600" dwellings without specifying a floor figure. It is understood that around 550 dwellings is the likely final figure. If from the application site of 33 hectares, a further 4 hectares are deducted for the SSSI, the remaining area would be 29 hectares. 600 dwellings on 29 hectares would be a gross density of 21 dph 550 would be 19 dph. These low gross density figures

will equate to higher net densities once land is excluded for reasons of topography and ecology.

The under provision of dwellings compared to the allocation and the low density compared to policy SSA 11 appears, at face value, to weigh against the proposals. However, much of the shortfall is attributable to the exclusion of allocated land from the application, considered above. Also, flexibility is required to properly take account of the identified constraints of topography and ecology. Therefore, provided a figure of around 550 dwellings is specified as a floor, the proposal for “up to 600” dwellings is considered acceptable.

### Housing land availability

In the 2014 Housing Land Availability Study, the site contributes just 80 dwellings to the 5-year housing land supply, with most dwelling completions forecast to occur beyond the 5-year period, in the absence of any planning permission. The 5-year land supply is in shortfall at 2.8 years, which is a material consideration in favour of the proposals. The grant of planning permission would usefully increase the supply of available housing land.

### Retail development

The proposed 464 sq m retail floorspace is well below the threshold for retail impact assessment, and is too small to have a significant effect on dwelling numbers. Planning Policy Wales supports “corner shop” provision. The potential for loss of trade from the nearby shop is acknowledged, however, this would be offset by the significantly increased numbers of residents in the area, and strictly speaking competition is not a planning consideration. Conditions to limit the net sales floorspace to 464 sq m and to limit sales to convenience goods would be appropriate.

### Constraints

The provision of land for education on site, as per policy SSA5, is no longer required provided that a financial contribution is secured towards off-site schools provision that relates to the impact of the development. This increases the net developable area for housing.

A significant area of land is required to form wildlife corridors within the site between the notified SSSI and the countryside to the north. Despite the loss of developable area, this is considered important to comply with national policy for SSSI. The implications of altered drainage for the SSSI need to be assessed.

Protected species of bat inhabit parts of the site that make it important to retain trees in the Trane Farm lane area. Whilst it is important to protect the bats, it is also important to provide proper circulation through the site to connect it as well

as possible to the existing social, commercial and leisure facilities in the key settlement. If possible a trade-off between trees and traffic is required in the detailed design of Trane Farm lane.

Affordable housing is required at 20% to fulfil policy SSA12. The adjoining housing land allocation SSA 10.4, on which Hafod Housing association has a long lease from the Council but no funding for development, gives potential for off-site provision of some affordable housing.

Open space provision should include 1 NEAP, 4 LEAP and contributions to the maintenance of existing off-site sport pitches.

Contributions are required under the SPG towards provision of school places, habitat management, affordable housing provision, highways tariff and open space provision and management. CIL is now approved and operational in Rhondda Cynon Taf therefore replaces the education and highways tariff liability. Viability has been considered, including the possibility of a mechanism for review of the contributions package at prescribed intervals.

#### Conclusion on this issue

The proposal is considered to be acceptable in relation to the LDP housing land allocation and to be important for the housing land supply. However, to be acceptable in principle, the development must at the very least provide mitigation for its impacts on areas of national policy (ecology and affordable housing) as well as local impacts (education, open space and highways). The remainder of this assessment addresses these other material considerations

#### **Transportation, highway safety and accessibility**

Although submitted in outline with all matters of detail reserved for subsequent consideration, inevitably for a development of this scale a significant amount of detail and indicative information in relation to transportation, highway safety and accessibility has been requested and submitted at this stage to enable the consequences of the development to be properly assessed. The highway assessment of the application proposals discussed below is based on the details and documents listed earlier in this report together with reference to the following drawings and Road Safety Audit relating to Dark Corridors:

- Drawing No. Fig. 01 Rev. D and Figs 02 – 04 prepared by Soltybrewster Consulting;
- Drawing No. 104 Rev. A04 prepared by Waterman;
- Fig.'s 5.1 – 5.8 and 7.1 – 7.5 prepared by Asbri Transport;
- Drawing No. 13090/3010/F prepared by Pad Design Ltd.;
- Trane Farm Lane highway improvements, Drawing No.'s 100 Rev. A04, 101 Rev.A04 and 102 Rev.A04 by Waterman;

- Stage 1 Road Safety Audit August 2014 by Asbri Transport;
- Stage 1 Road Safety Audit December 2014 by Waterman; and
- Asbri Planning email dated 04/12/2014 confirming provision of 1.8m wide footway along northern side of Gilfach Road by means of a Grampian condition.

The proposed access and off-site highway improvements include the following:

- Construct a new priority junction on to the A4093 Gilfach Road, to access the western portion of the site (Zone A);
- Construct a new arm on to the existing A4093/B4278 Gilfach Road roundabout to access the central portion of the site (Zone B);
- Upgrade the existing track to Trane Farm, including modifications to the Bryngolau / Caergwerlais and B4278 Gilfach Road / Bryngolau junctions to access the eastern portion of the site;
- To include a new mini roundabout at the junction of the new site access and Bryngolau (Zone C);
- Provide a 1.8m wide footway along northern boundary of A4093 Gilfach Road fronting the proposed development site and linking to Hendreforgan;
- Provide for carriageway and footway requirements at the junction of Road 1 with Road 2 to cater for safe and satisfactory vehicular and pedestrian movements; and
- Improvements to the A4119 / A4093 / Mill Street Roundabout.

It is intended that Zones B and C will be connected via the internal road network (refer to Illustrative Master Plan, Figure 5.1 of TA (Revised) November 2013) providing a vehicular and pedestrian link as well as a public transport connection.

The Environmental Statement that accompanies the planning application describes the baseline traffic, transport and movement conditions in respect of the site location, local highway network, traffic flows, public transport, pedestrians and cyclists. It then analyses the impact of the development proposals on the existing transport infrastructure and predicts the future traffic generation and estimates the future trips to and from the development site, and the cumulative impact with other developments. It then goes on to propose a series of mitigation measures that will sufficiently ameliorate the impacts of the proposed development. These include:

- Preparation of a Construction Environment Management Plan (CEMP) to reduce the impact of the construction phase(s) of the development proposals;
- Implementation of a Travel Plan that will reduce the volume of single occupancy vehicles and encourage the use of more sustainable transport modes;
- Implement widening on the on the approach to the A4119/A4093/Mill Street junction to increase the flare length.

In conjunction with the ES, a detailed Transport Assessment (revised November 2013) accompanies the application. This has been carried out and submitted as part of the application to assess the impact of the proposed development of up to 600 dwellings (80% private and 20% affordable housing) on the local and strategic highway network. The strategic highway network is dealt with under the Community Infrastructure Levy (CIL) and, therefore, no assessment has been carried out. However, the impact on the local highway network has been considered and the following junctions have been assessed in terms of capacity:

1. Proposed A4093 Gilfach Road / New Site Access (Zone A) 3-Arm Priority Junction.
2. Modified A4093 / B4278 Gilfach Road / Beechwood Drive roundabout (Zone B) 5-Arm Roundabout.
3. Proposed B4278 Gilfach Road / Bryn Golau / Padfield Court traffic signal controlled junction (Zone C).
4. Proposed Bryngolau / Caergwerlais roundabout (Zone C) 4-Arm Mini Roundabout.
5. Existing B4278 Gilfach Road / B4278 Penrhiwfer Road / Waunrhydd Road 3-Arm Priority Junction.
6. Existing Collenna Road / High Street / Mill Street / Waunrhydd Road traffic signal controlled junction.
7. Existing A4093 Hendreforgan Link Road/ Wilfried Way / Parc Dan y Bryn 5-Arm Roundabout.
8. Existing A4093 / A4119 / Mill Street 4-Arm roundabout.

The Transport Assessment has been reviewed by Capita Symons on behalf of the Highway Authority and the junctions are considered to operate within capacity.

#### Collision Analysis

The collision analysis for the 5-year period to 31st March 2011 shows 50 accidents none of which were attributed to road geometry, signage, markings, carriageway surfacing and therefore no mitigation measures are proposed. The accidents identified mainly related to driver error / inattention or careless driving.

#### Access

As part of the development, it is proposed to provide vehicular and pedestrian access to the site at the following locations (refer to Figure 5.3 of TA (Revised) November 2013):

1. Priority junction off the A4093 Gilfach Road (Zone A, see Fig. 5.3 TA (Revised));
2. Additional arm off the existing A4093 / B4278 Gilfach Road roundabout (Zone B, see Fig. 5.3 TA (Revised));

1. Proposed roundabout at Bryngolau / Caergwerlais junction (Zones B & C, see Fig. 5.3 TA (Revised));
2. Upgrading of Trane Farm Track leading to the proposed development site; and
3. Provision of a continuous footway along the A4093 Gilfach Road linking with the existing footway network to cater for Safe Routes to Schools and Community facilities.

#### A4093 Gilfach Road priority controlled junction (Zone A) (see Fig. 5.4 TA (Revised))

This is to provide a single point of access to Zone A that comprises 135 dwellings. The proposed access junction layout is shown on Figure 5.4 contained within the TA (Revised) November 2013 which shows 6m junction radii onto the main road, a road width of 5.61m initially and then down to 5.5m, 2m and 2.48m wide footways either side which is acceptable in principle. The vision splays at the junction of the access onto the B4278 Gilfach Road where the speed limit is 40mph should be 2.4m by 120m in accordance with Table A of TAN18: Transport. Details of the vision splays required at the junction are not shown on Fig. 5.4 of the TA (Revised). The provision of 2.4m by 120m vision splays would require the site boundary to be set back with all hedgerow plantation affected removed / re-positioned accordingly. The vision splay requirement is deliverable within the ownership of the applicant.

Sections of footway are shown on the northern boundary of the A4093 Gilfach Road with a width of 1.8m abutting the site frontage as shown on Figs 5.4 and 5.5 of the TA. This should link to the bus stop on the western boundary of Zone A of the development site and then extended westwards to the junction of Heol-y-Mynydd with the A4093 Gilfach Road and towards the footway at the proposed additional arm off the A4093 / B4278 Gilfach Road / Beechwood Drive roundabout. The provision of such footways would facilitate safe and satisfactory pedestrian access to local community facilities such as Hendreforgan Primary School that would require setting back the site frontage with the potential loss of vegetation. A proposed vehicle restraint barrier is shown on this drawing opposite the junction to prevent the overshooting of vehicles from the new access from entering residential properties located on this side as a road safety measure which is acceptable in principle subject to detailed design. However, the footway width as indicated on Fig. 5.4 as 0.59m wide is inaccurate. On-site measurement indicates that 1.02m is available to the back of the footway with an existing pedestrian guard rail which is located behind the footway for a distance of 89m. Mitigation measures should be provided to ensure vehicular containment in the interests of the safety of all highway users and third party land. Also, appropriate mitigation measures would be required on the site access to ensure that the speed of traffic approaching the junction would not overshoot onto the A4093 at this location in the interests of highway safety.

A4093 Gilfach Road / B4278 Gilfach Road / Beechwood Drive roundabout (Zone B) (see Fig. 5.5 TA (Revised))

In order to access the development from the existing A4093 / B4278 Gilfach Road roundabout it is proposed to:

- a) to construct a new arm to the north into the site;
- b) realign the B4278 Gilfach Road approach to the junction;
- c) stop-up the existing stub-arm situated between the B4278 Gilfach Road and the A4093 (south) approaches to the junction; and
- d) provision of new 1.8m wide footways and uncontrolled pedestrian crossings.

The revised junction layout is shown on Figure 5.5 of the TA (Revised) November 2013. This incorporates a new arm off the roundabout into the site together with a slip off lane on the western approach to the roundabout onto the new site access with new sections of footway fronting the southern boundary of the site which is acceptable in principle. However, appropriate signage should be provided to ensure that the slip road is not used as a short cut to the detriment of the safety of all highway users.

A new section of footway must be provided across the redundant stub arm of the roundabout to provide a continuous link footway to provide for safe and satisfactory pedestrian access.

The internal spine road through the site off the new arm of the roundabout should be at least 6.1m wide to provide for a public transport corridor with 2m wide footways either side.

Two existing farm accesses are served off the former abandoned section of the A4093 on the western approach to the roundabout that would need to be accommodated on the proposed slip off filter lane and designed to ensure safe and satisfactory access and egress. The Stage 1 Road Safety Audit has highlighted one field access only and recommends mitigation measures to ensure safe and satisfactory access / egress. The review of the Road Safety Audit as well as the designer's response which accepts the auditor's recommendations and the mitigation measures required which can be conditioned accordingly.

B4278 Gilfach Road / Bryngolau / Padfield Court Signalised Junction

This has been assessed and considered to operate satisfactorily with base traffic plus committed development traffic plus proposed development traffic for the Design Year 2025 which is acceptable.

### Proposed Bryngolau / Caergwrlais Roundabout (Zones B & C) (see Fig. 5.7 TA (Revised))

Figure 5.7 as shown in the TA (Revised) November 2013 shows a new roundabout that will provide access to an upgraded Trane Farm track to serve the Zones B & C of the proposed development site. The Stage 1 Road Safety Audit has been reviewed and any mitigation measures required could be conditioned accordingly.

### Trane Farm Track (also known as Trane Lane)

This track provides access to Zones B and C of the proposed development site. The upgrading of this access in terms of highway improvements, Drawing No.'s 100 Rev. A04, 101 Rev.A04, 102 Rev.A04 and 104 Rev. A04 have been submitted for consideration and approval.

The section of lane (Road 2) between the proposed Bryngolau roundabout to the first junction serving the residential property known as Brookside is shown as 5.5m wide with a 1.5m wide footway which is acceptable in principle.

Beyond this point going northwards, the carriageway (Road 2) has a width of 4.5m with a 1.5m wide footway along its eastern boundary and a 0.5m wide margin strip along its western boundary with passing bays 5.5m wide by 20m in length at strategic locations provided to facilitate safe two-way traffic movements by all types of vehicles which is acceptable in principle.

Submitted Drawing No. 104 Rev. A04 shows Road 2 as being 5.5m wide on its approach to its junction with Road 1 that would facilitate safe and satisfactory access by passing large vehicles which is acceptable in principle. Road 2 should be at least 5.5m wide for the first 15m from its junction with Road 1 in the interests of highway safety.

Road 1 as shown on Drawing No. 102 Rev.A04 shows a 2m wide footway on the northern boundary of the road which should be extended either side to connect with the housing areas in Zones B and C thereby removing the need for multiple pedestrian crossing movements along Road 1 in the interests of pedestrian safety.

The submitted Drawing No. Fig. 01 Rev. D and Figs 02 – 04 in relation to Dark Corridors have been submitted for consideration as part of the planning application.

A review of these drawings gives cause for concern in terms of the proposed switching off of street lighting from 18:30 hours to 07:00 hours between 1st April and 30th September inclusively along the 4 No. carriageway intersections indicated (3 No. intersections with Road 1) with the Dark Corridor and within a

35m radius area of the bat roost identified at Trane Farmhouse that falls across Road 1 on a road bend over a revised distance of approximately 50m (previously 72m).

Driving outside of daylight hours is regarded as more dangerous albeit that only a quarter of all travel by car drivers is between the hours of 19:00 and 08:00 (source Royal Society for the Prevention of Accidents). However, it is stated that this period accounts for 40% of fatal and serious injuries to the same group.

However, further risk assessment and a Road Safety Audit has been carried out and submitted with the designer's response which has been reviewed and accepted that mitigation measures could be applied to mitigate any highway safety concerns associated with Dark Corridors. Such measures could include implementation of Traffic Regulation Orders, provision of centre line markings and road studs, pedestrian guard rails and potential speed reducing features.

It should be noted that there would be a reasonable level of light before it gets dark between the period of 1st April and 30th September and that pedestrian and vehicular traffic would be limited when it gets dark together with the Dark Corridors being limited in extent, on balance, the proposal is acceptable in principle subject to appropriate mitigation measures being provided to ensure safe and satisfactory access by all highway users.

The existing junction of the track with the B4278 Gilfach Road should be stopped-up to vehicular traffic with access to the residential property known as Brookside served via the proposed Bryngolau roundabout as shown.

#### A4119 / A4093 / Mill Street Roundabout

The operation of the existing roundabout has been assessed in the TA (Revised) in relation to the additional traffic generated by the proposed development where it is proposed to modify the layout of the junction. This is shown in Figure 7.5 of the TA (Revised) where the capacity of the approaches has been increased to reduce queuing. The Stage 1 Road Safety Audit has been reviewed and any mitigation measures required could be conditioned accordingly.

#### Pedestrian Access

A new footway should be provided along the northern boundary of the A4093 Gilfach Road from its western end to the A4093 Gilfach Road / B4278 Gilfach Road roundabout where there is no such provision that links to the existing footpath / footway network either side. However, the information provided does not show a continuous footway along the northern boundary of Gilfach Road fronting the site. Further to this, recent email confirmation has been received (dated 04/12/2014 from Asbri Planning) regarding the provision of a 1.8m wide footway along northern side of Gilfach Road that would be provided by means of

a Grampian condition to ensure its future delivery which is acceptable in principle. Also, the footway should be extended westwards to the junction of Heol-y-Mynydd with the A4093 Gilfach Road at Hendreforgan to facilitate safe and satisfactory pedestrian access to local community facilities such as Hendreforgan Primary School that can be achieved by utilising highway verge.

Where a continuous footway along the northern boundary cannot be provided then safe controlled crossings should be provided at desirable locations to encourage more sustainable modes of travel and interconnectivity.

### Internal Road Layout

Apart from the spine road which has to be 6.1m wide to cater for public transport, the internal roads should be at least 5.5m wide with 2m wide footways either side with adequate turning facilities to cater for calling delivery, emergency and service vehicles. Local narrowing of the carriageway and on-street parking lay-bys would be considered acceptable subject to no detrimental impact on highway safety and free flow of traffic in particularly delivery, emergency and service vehicles.

### Parking

This must be in compliance with the Council's adopted SPG guidelines to be acceptable.

### Safe Routes in Communities

The footway shown on sections of the northern boundary of the A4093 and B4278 Gilfach Road has a width of 1.8m abutting the site frontage. This should link to the bus stop on the western boundary of Zone A of the development site and then extended westwards to the junction of Heol-y-Mynydd with the A4093 Gilfach Road and towards the footway at the proposed additional arm off the A4093 / B4278 Gilfach Road / Beechwood Drive roundabout. The provision of such footways would facilitate safe and satisfactory pedestrian access to local community facilities such as Hendreforgan Primary School that would require setting back the site frontage.

### Residential Travel Plan

This would be required to encourage greater use of more sustainable modes of travel which can be conditioned accordingly.

### Overall conclusion on transportation, accessibility and highway safety

The submitted information, documents and plans have been reviewed and considered acceptable subject to mitigation measures in relation to off-site

highway improvements as well as within the site curtilage. The mitigation measures and satisfactory provision of infrastructure within the site curtilage shall be addressed by means of planning conditions. Therefore, it is on this basis above, that the proposal is acceptable.

## **Ecology**

The Environmental Statement and the associated Extended Phase 1 Habitat Survey and Supplementary Ecological Surveys submitted as part of the application describe in detail the baseline ecology of the application site. In summary, the application site supports valued ecological features of varying significance. These comprise poor semi-improved grassland, semi-improved neutral grassland, marshy grassland, bracken and scrub, scattered broad-leaved trees, species-rich hedgerow, species-poor hedgerow, stone walls, woodland, and running water. The principal valued habitat within the site is that which supports the Marsh Fritillary Butterfly, and the Protected / Notable Species are Marsh Fritillary, Devil's Bit Scabious (food plant of Marsh Fritillary), Ivy-leaved Bellflower, and Bats, in particular the Natterer's Bat which has a significant maternity colony in a building at Trane Farmhouse.

Within the application site boundary, two parcels of land are designated as part of the Rhos Tonyrefail Site of Special Scientific Interest, a Statutory Designation. The SSSI citation is based in part on the occurrence of Marsh Fritillary butterfly. These two units are both located in the southern part of the site to the west of the Cemetery. These have been identified as supporting a mix of marshy grassland, acid flush, scrub and semi-improved acid grassland during the applicant's Extended Phase 1 habitat survey of the site in April 2010. As part of the Rhos Tonyrefail SSSI, both units are considered of National Ecological Value, although none of the component habitat types appear to be subject of particularly favourable management based on the applicant's survey. No other statutory or local nature conservation designations exist within or adjacent to the application boundary.

A suite of appropriate protected species surveys have been undertaken. Some limited evidence of Badger was recorded (but no setts), no Great Crested Newt or Dormouse evidence was found. In places the site support good nesting bird habitats and mitigation is required (see conditions), as is a requirement for some precautionary reptile/amphibian mitigation. The Report highlights the potential for occasional use of streams by otter, although there is very limited potential for regular or significant use. The Survey assessment has identified small areas of potential marsh fritillary habitat which will be lost to development, though the Council's Ecologist suggests this material should be re-used on the SSSI mitigation area.

The ecological features at the site have been assigned a value at a geographical scale range and the potential impact of the development project on these

features has been assessed using best practice. The master plan development of the allocated housing site helps to demonstrate that residential development can be accommodated at the site alongside retained features of ecological interest. The master plan layout for the site would retain both the SSSI parcels and the grassland habitats immediately to the north (upstream) outside the application site boundary. Other features that would be retained, protected and managed in the long term include hedgerow, acid grassland, woodland and streams. The Environmental Assessment concludes, however, that as part of the site preparation works in advance of construction, existing grassland at the site would be lost though none would be of national significance. These works would be certain to result in a significant adverse impact (loss) that could not be mitigated within the application site, with a significant adverse impact on bracken and scrub communities and scattered trees also probable.

The ES predicts no significant adverse impacts on other features and protected species at the site based on the adoption of appropriate mitigation strategies. However, an adverse impact on bats, birds and reptiles within the application site was considered probable in the short / medium term given the loss of habitat and increased disturbance / predation risk though a reduction towards neutral impact was considered probable in the long term with long term management and maturing of new planting.

Whilst acknowledging the findings and mitigation proposals in the submitted ES, it is quite clear that the formulation of residential development proposals that sit alongside and incorporate natural habitat and protected species of significant importance has presented the applicant with a considerable challenge. In general terms the ecological assessment work undertaken by the applicant has identified the following priority concerns / mitigation:

- Retention and management of the Rhos Tonyrefail SSSI and measures to connect and buffer the SSSI against development impacts;
- Retention and management of woodland areas and hedgerows (including hedgerow trees);
- Mitigation and aftercare impacts on the bat roost at Trane Farm, with connected foraging routes (which need to be dark corridors) and potential tree bat roosts elsewhere on site;-
- Various species mitigation measures during construction

The Rhos Tonyrefail SSSI impacts and the Trane Farm bat roost mitigation (and other bat issues) are clearly a primary concern of NRW and the Council's Ecologist. With regards these impacts the applicant has developed a surface water drainage strategy that is to be protective of the priority habitats both within and outside the application site boundary. NRW has advised that the surface water drainage scheme should ensure that run-off from the development will not exceed "Greenfield" run-off rates for this area of the catchment. This is illustrated

in submitted drawing number CIV 12999-SA-04-SK02. NRW recommends details of the adoption and management of the surface water scheme be submitted to ensure that they remain effective for the lifetime of the development, which is capable of being conditioned. In addition the applicant proposes the phased transfer of ownership and management of the two parcels of SSSI habitat to the Wildlife Trust of South and West Wales to ensure the habitat's protection and secure its conservation and term management. Ideally, it would be preferable for the two parcels of SSSI habitat to be transferred into the ownership and management of the Wildlife Trust prior to the commencement of development. However, this presents the applicant with two challenges: firstly, the two parcels are in separate ownerships and, secondly viability is a serious barrier to this development coming forward, therefore, it is the applicant contention that acquisition of the two parcels for onward transfer cannot be sustained up-front. In recognition of these challenges and until such time as ownership is transferred to the Wildlife Trust, the applicant in conjunction with the current land owners proposes to arrange and undertake interim management on the two parcels of Rhos Tonyrefail SSSI. NRW is broadly in agreement with this approach and has advised that interim management would be expected to involve a regime of cattle grazing, scrub clearance, stock proof fencing and other appropriate management measures to be finalised. The interim management proposals and phased transfer and long term management of the two parcels of the SSSI is to be secured and detailed as part of a Section 106 Agreement in order to satisfy NRW and comply with Policy AW8 of the LDP.

In addition the applicant has submitted indicative proposals for highway improvements in Trane Lane that seek to minimise, as far as possible, and mitigate for the impacts of the development upon trees and habitat used by foraging bats. These proposals seek to safeguard a building at Trane Farmhouse which hosts a maternity roost of Natterer's Bat. Also, they specify mitigation measures including no residential development to be located within a 15 metres radius zone from existing bat roost location and for lighting columns within 25 metres radius of bat roost to be turned off from 18.30 hours to 07.00 hours from 1<sup>st</sup> April to 30<sup>th</sup> September. Moreover, to maintain foraging routes for feeding bats generally and safeguard connectivity between habitats the illustrative master plan indicates that the central green spines through the site will be retained, planted and managed at widths and incorporate dark corridors at highway crossing point sufficient to achieve these objectives. Particular features of these proposals, specifically the treatment of parts of Trane Lane and the street lighting arrangements in the dark corridors have required careful consideration of their highway safety consequences. Whilst a number of details, such as management responsibility for the bat roost and bat mitigation, and tree and hedgerow management, remain to be resolved, at a general level the submitted proposals are an acceptable compromise between the objectives promoting sustainable development and of safeguarding ecological interests and highway safety. NRW, the Council's Ecologist and the Transportation Section have not objected to them.

### Conclusion on ecology issues

Having regard to the considerations discussed above the proposed development, subject to a Section 106 Agreement to secure the interim and long term management of the two parcels of the Rhos Tonyrefail SSSI plus appropriate conditions to mitigate for its impacts on other ecological interests on the site, is acceptable in terms of its consequences for the ecology of the application site and its surroundings, and therefore satisfies Policy AW8 of the Local Development Plan.

### **Education Provision**

The Local Development Plan allocates land for the construction of 1280 new dwellings in Tonyrefail during the plan period up to 2021. The development at current Trane Farm application site proposes up to 600 dwellings, and the development of overall LDP allocation could take this figure up to 700 dwellings if other land excluded from the current application is taken into account. The LDP acknowledges that this alone site will place additional demands on the existing educational provision in Tonyrefail, and this need for additional educational facilities will have to be catered for. Therefore, Policy SSA5 requires that land will be made available within proposed residential development of Trane Farm for the provision of new educational facilities. The observations from the Council's Education Officer in response to the current planning application is that this scenario remains the case.

Since 31<sup>st</sup> December 2014 the Community Infrastructure Levy (CIL) has been introduced in Rhondda Cynon Taf. The Regulation 123 List of Infrastructure Projects specifically includes new primary school provision to serve Trane Farm, Tonyrefail. Although the current application is in outline only, therefore not CIL liable, subsequent reserved matters applications and any full planning applications for development for this site will be CIL liable in accordance with the Council's CIL Charging Schedule for residential development and retail development. Therefore, the requirement for additional educational provision will be met by this mechanism. The requirement to provide a safe pedestrian route between the development site and Hendreforgan School along Gilfach Road to the west is secured by a highway condition discussed under the highway, transportation and accessibility section of this assessment.

### **Affordable Housing Provision**

Local Development Plan policy SSA 12 seeks the provision of at least 20% affordable housing on sites of 5 units and above in the Southern Strategy Area. This policy is in order to ensure the supply of affordable housing. Arising from officer discussions the applicant's are offering to deliver 10% affordable housing. Although this offer is below the 20% required by Policy SSA12, it is noted that in

addition the proposed development will deliver access, services and drainage to the allocated site at Bryngolau (SSA10.4), which is owned by Hafod Housing Association and is expected to deliver 50 dwellings. As it stands the Bryngolau site is inaccessible and so not capable of delivering any dwellings.

Therefore, on the assumption the final scheme for the Trane Farm application site delivers 550 dwellings the applicant is offering 55 units to be provided by way of affordable housing, the unit mix being:

- (a) in respect of the Social Rent Units:
  - (i) 18 two person one-bed Walk Up Apartments;
  - (ii) 7 four person two-bed Social Rent Units;
  - (iii) 2 six person four-bed Social Rent Units;
- (b) in respect of the Low Cost Housing Units:
  - (i) 20 two-bed houses;
  - (ii) 8 three-bed houses

This level of provision and unit mix accords with the local affordable housing requirement, as identified in the Local Housing Market Assessment, and is considered adequate by the Council's Housing Strategy Team. Therefore, a combination of the proposed affordable housing provision on the application land and the prospects of the development facilitating affordable housing provision on adjoining land, which is currently severely constrained, render the application acceptable in this regard.

### **Leisure and Public Open Space Provision**

There can be little dispute that a development of the scale of the Trane Farm proposal is highly likely to place considerable extra demand on existing leisure and open space facilities in the locality. In order to cater for this anticipated extra demand, and in accordance with the SPG, the Council's Parks Development and Countryside Section has advised that development of 600 dwellings would generate a requirement for 3.6 hectares of recreational space (2.4 hectares outdoor sports and recreation, 1.2 hectare play space comprising 3720 square metres of equipped and 8280 square metres of informal space). The above requirement equates to the provision on-site of one Neighbourhood Equipped Play Area (NEAP) and four Local Equipped Play Areas (LEAP), and the provision off-site of up-grades and improvements to existing sports pitches plus initial maintenance after the above upgrades and improvements. It is recommended that these provisions are secured through a Section 106 Agreement.

## **Water supply and sewerage treatment and disposal**

Not unexpectedly, the Trane Farm application proposals has thrown into spotlight significant issues concerning the capability of the existing sewerage disposal and treatment infrastructure and water supply network to meet the considerable demands that the addition of up to 600 new homes would place upon them. In the early stages of the progress of the planning application Dwr Cymru/Welsh Water (DCWW) lodged an objection to the proposals on grounds of prematurity because they considered the development would overload the existing public sewerage system and waste water treatment works, and would exacerbate existing water supply problems in the area. As there are no improvements planned in DCWW's Capital Investment Programme, they considered to the application proposals to premature until such improvements take place.

In response to DCWW's objection the applicant commissioned Hydraulic Modelling Assessments (HMA) and a Feasibility Study which have established what is required to accept the flows generated by the Trane Farm development, without causing detriment to the public sewerage system and waste water treatment works or the environment. With regards to water supply, based on the outcome of a HMA and subsequent investigations into the possibility of a phased approach, no more than 50 dwellings can be connected to the existing supply network which will not require any additional network upgrades. However, any development above 50 dwellings will exacerbate water supply problems in the area and adversely affect services to existing properties and the occupiers of new dwellings on the site. This approach is satisfactory to DCWW who have recommended in the event of planning permission being granted that a condition is attached which prevents the 51<sup>st</sup> dwelling from being occupied until either of the network upgrades described in the Conclusion and Recommendation of the Clean Water Hydraulic Modelling Assessment Report issued in June 2014 have been carried out and are operational.

Turning to the sewerage system and waste water treatment capacity issues, a Hydraulic Modelling Assessment was undertaken on the local sewerage network by the developer in 2012. This HMA has reviewed the capacity of the network and established solutions to be funded by the developer to enable the development to connect into the public sewerage system without causing sewerage flooding. DCWW is satisfied with this solution and recommend a condition be attached to any planning permission requiring the implementation of these off-site improvements to be completed prior to any dwelling being occupied.

The conditions suggested by DCWW will require a significant investment by the developer to mitigate the effects of this development upon the water supply network and sewerage disposal and waste water treatment infrastructure in this area. They are considered necessary to protect the integrity of the water supply system and to protect the existing community and the environment from the

adverse effects of sewage flooding and pollution in accordance with the requirements of Local Development Plan Policy AW10.

### **Archaeology and cultural heritage**

The Glamorgan Gwent Archaeological Trust (GGAT) has consulted the regional Historic Environment Record that is curated by the Trust, and has read the accompanying Environmental Statement (ES) prepared by Waterman with interest. In the heritage chapter of the ES, Waterman note that Trane Farmhouse and its associated outbuildings are significant historic buildings, a construction date of least 1601 is suggested for the farmhouse, as a date plaque is evident in the building. GGAT notes that the aforementioned buildings will be demolished, as part of the development, and this will constitute a loss to the historic environment of the area. As such some form of mitigation work should be undertaken, it is recommended in the accompanying ES that these buildings should be recorded prior to their demolition, a recommendation with which GGAT concurs. The ES chapter also notes that there is evidence of human activity within the development area from the Bronze Age onwards, however evidence of a possible medieval track to the northwest of the proposed development area is highlighted in the ES, it is likely that archaeological remains of this period will be encountered during groundwork required for the development.

Whilst GGAT does not have any objections to the granting of planning consent to the current planning application on archaeological grounds, it does recommend that two conditions should be attached to the consent, to ensure that all features in the fabric of the Trane Farm buildings and any buried archaeology are suitably investigated and recorded.

### **Environmental health and ground conditions issues**

The proposed development gives rise to a number of public health related issues – noise, previous land use, air quality – which are covered in Chapters 8, 12 and 13 of the Environmental Statement and the chief issues arising are discussed below.

#### Noise

The proposed development is situated in close proximity to several residential properties and as such it is evident from the information presented within the ES (Appendix 80) that noise from demolition / construction activities is likely to give rise to complaints.

The developer must therefore ensure that all reasonable measures are taken to prevent excessive disturbance to nearby residents. Such measures should include the use of silencing equipment on machinery and vehicles and the use of acoustic screening or barriers as appropriate. It is also recommended that the

Council be notified of any pile driving or particularly noisy activity that is likely to be carried out so that I may forewarn local residents.

The above perceived noise problems will be more significant during unsociable hours of the day. It may therefore be prudent to restrict the hours of work at the development site by means of a planning condition. The following hours are recommended by the Public Health and Protection Section:

Monday to Friday	08.00 – 18.00 hours
Saturday	08.00 – 13.00 hours
Sunday and Bank Holidays	Not at All.

It is accepted that ‘specific detail’ on the noise produced by proposed fixed plant etc, is as yet unknown. This can be most effectively controlled via use of a suitable planning condition, such as the following:

*‘Specification of fixed building plant, for each individual phase of development, shall be submitted to and approved in writing by the Local Planning Authority, prior to its beneficial use’.*

In addition and on the basis that proposed residential development may require mitigation measures to protect the future occupants from noise generated by both construction road traffic and / or mechanical plant noise, Public Health and Protection suggest that the following condition be attached to any consent granted:

*‘The development hereby permitted on all phases of the development shall be acoustically insulated in accordance with a scheme to be previously submitted to and approved in writing by the Local Planning Authority, prior to beneficial occupation. The development shall thereafter be implemented in accordance with the approved scheme’.*

#### Air quality / dust

Again due to the close proximity of the residential properties, problems are likely to arise as a result of the emission of dust from the site. It is also envisaged that a significant amount of dust will arise in the vicinity of the site, particularly the adjacent highway, as a result of the ingress and egress of vehicles. To ensure dust emissions are kept to a minimum Public Health and Protection consider it is essential that adequate dust suppression measures are employed at all times. Such measures should include the use of water bowsers on the site and adjacent highway and vehicle wheel washing facilities at the exit of the site. The suppression of dust is generally dependent on the use of water and developer must ensure that an adequate water supply is available and readily accessible prior to works commencing on site. In addition all vehicles transporting materials likely to give rise to dust emissions should be sheeted, again to minimise the

dispersions of dust into the locality. It is therefore suggested that the following condition be attached to any planning consent:

*'No development shall commence until a Construction Environmental Management Plan (CEMP), detailing the proposed dust suppression measures has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved CEMP'.*

It will be noted that the applicant proposes the preparation and submission of a CEMP as part of the mitigation for the effects of the development upon the local highway network.

#### Previously used land / contamination

The Environmental Statement accompanying the application covers, amongst other issues, ground conditions. The purpose of the EIA has been to establish the baseline environmental condition, compile, evaluate and present any significant environmental impacts associated with the development. Chapter 8 of the ES considers the likely significant effects of the proposed development in terms of ground conditions. This is based on the existing baseline conditions (established through a site investigation carried out by Intégral Géotechnique); the likely significant adverse effects and the likely residual effects after the measures have been employed. The application site consists of various parcels of land. Several were investigated previously by Intégral Géotechnique (IG) in connection with earlier applications and the reports were duly reviewed by Public Health and Protection and comments provided. The remaining parcels have now been investigated and the findings contained within IG's latest report (Appendix 35), which has been used to identify baseline conditions.

The findings have been reviewed by Public Health and Protection and no objection to the application is offered on grounds of contaminated land matters, though a number of issues require further information, investigation and (if appropriate) remediation in relation to soil test results from previous investigations, risk assessment of chemicals / fuel stored / used at Trane Farm, and additional assessment of risks from shallow mine workings and nearby closed landfill site. All are capable of being dealt with satisfactorily by suitable conditions of planning permission.

#### **Design, Character and Appearance of the Development**

The application is supported by a Design and Access Statement, which has investigated and appraised various factors, constraints and influences, including the historic context of the site, landscape context, transport links, socio-economic factors, local character, topography, and ecology. Through a process of consultation and evolution a development vision has emerged that has informed

the preparation of the submitted illustrative master plan and parameters plan, and provides a framework, a design guidance intended to inform the future detailed development of the site. The vision is to create a high quality residential extension to Tonyrefail which will respond to the distinct character of the site and its context. The DAS asserts that the development will utilise the site's challenging topography and established landscape structure to help to create an interesting and attractive townscape based around a west-east green spine with views across the valleys. Using a high standard of design, the development aims to provide sustainable housing and ensure the long-term protection and enhancement of the landscape and biodiversity.

The design principles and framework in the DAS is broadly acceptable. However, for a large outline planning application such as this, it is important that, where areas of design are considered acceptable based on indicative detail, this detail is not overlooked at later stages. Ideally, this can be achieved by creating the 'Design Guidance' section of the DAS as a separate Design Framework document, which clearly identifies qualities which are integral to any future grant of detailed planning permission. This is dealt with by means of condition.

### **Landscape and Visual Impact**

A Landscape and Visual Impact appraisal has been carried out as part of the Environmental Impact Assessment (see Chapter 6 of the ES) following recognised and established best practice and using LANDMAP data. Although there no Visually Important Local Landscapes (VILLs) or nationally protected landscapes (such as Areas of Outstanding Natural Beauty) within the vicinity of the application site, the boundary of the closest Special Landscape Area (SLA) lays some 350 metres to the south (SSA23.7: Mynydd Hugh and Llantrisant Forest). Two other SLAs (Mynydd y Glyn and Nant Mychydd SLA and Mynydd y Gaer SLA) lie a little away from the application site though have been taken into consideration in the assessment. Also, two stretches of land abutting the site to the north and northwest are designated as Green Wedges under LDP Policy SSA 22.1 (land north of Tonyrefail and Penrhiwfer) and SSA22.2 (land between Gilfach Goch / Hendreforgan and Parc Eirin-Tonyrefail).

Having regard for the value and sensitivity of the landscapes and magnitude of landscape effects, the ES concludes the significance of the landscape effects of the proposed development project range from moderate to not significant across the nine landscape characters areas identified. Moderate effects are contained within the character areas (Mynydd y Glyn and Mynydd Gaer) adjacent to the site. Embedded mitigation for the effects of the project within the design, such as selection of appropriate materials, development of a landscape framework and the screening effects of boundary vegetation, offer the potential to enhance landscape character.

Turning to the effects of the development project on visual amenity the ES concludes that despite the sloping landform of the development site, visibility into the development area is limited by retained and proposed landscape infrastructure, viewed from many locations. Embedded mitigation including the retention of existing vegetation and proposed boundary planting will contain and assist with the visual integration of the development.

Central development parcels are judged less visible, with eastern sections more highly visible as a result of landform. Proposals for lower densities, increased public open space, street tree planting, private plots and boundary planting will mitigate for visual effects in this area to some degree. The ES concludes that linear form within eastern development parcels responds to local landform and is likely to visually link the project with neighbouring dwellings at Bryngolau. Visual separation with Hendreforgan is maintained through the intervening Green Wedge designation. Changes to views, especially from the north and east, are likely to be beneficial in that a coherent settlement edge will round-off the existing somewhat fragmented urban grain of Tonyrefail. Within views from the south, the site typically appears as a strip of land within the sloping ridge of Mynydd y Glyn. Within more expansive views from Mynydd y Gaer the site is seen as a single element occupying a small proportion of views that contain many contrasting elements.

The viewpoint assessment demonstrates that changes to visual amenity from within the study area are considered to be of a minor through to moderate-major significance. Visual assessment from the six selected viewpoints identified in the ES indicated that none of the locations would experience visual effects of major significance.

Overall, the ES concludes the development project is visually integrated into its context, reducing and removing significant impacts on visual amenity, and the landscape proposals aim to enhance the quality, condition and character of the landscape within the development site. Members of the public have commented that the development will be highly visible from many parts of Tonyrefail and will break the natural horizon, however, none of the consultees has offered remarks that conflict with the conclusions of the ES in this regard.

The Council's Landscape Architect has reviewed the Landscape and Visual Impact appraisal and considers it a thorough piece of work with generally acceptable proposals that should enhance the area. As with the design of the development discussed above, the key to all this is to ensure there that there is a detailed catalogue of landscape features and principles that are retained and implemented as part of the phases of development. Indeed, the preparation of a Design Framework document to sit alongside an outline planning permission is capable of achieving this objective.

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

It is fair to say that for such a large outline planning application the Trane Farm proposals directly affect the amenity of very few existing properties in the neighbourhood. This is reflected in the comparatively few responses that have been received from members of the public despite the application being the subject of publicity on the three occasions during its gestation towards determination. Much of the nearest neighbouring residential property is physically separated from the application site by countryside, woodland and Gilfach Road.

However, one aspect of the proposal evidently has considerable propensity to affect the living conditions of residents, namely the proposals for Trane Lane. For much of its length Trane Lane currently comprises a relatively quiet and very lightly trafficked, tree-lined, unlit, single track lane that extends more or less due north towards Trane Farm from a junction with Gilfach Road located almost opposite the Llanmoor Homes site. Several large detached houses are in occupation along the lane.

The illustrative master plan indicates that Trane Lane would be reconfigured into an adoptable highway with footways and a new junction with Bryngolau; the existing access onto Gilfach Road would be stopped up. The reconfigured highway would form part of the principal access through the middle section of the development site and would be extended to provide access to the eastern parcels of the site.

The reconfiguration of Trane Lane will involve widening of the carriageway, construction of footways and street lighting, and loss of a significant number of mature trees along the highway boundary. Inevitably, these proposals will completely transform the character and appearance of Trane Lane and introduce a markedly greater volume of traffic. Needless to say, this aspect of the overall development has attracted very strong and consistent opposition from residents of Trane Lane. There is very little to say that will reconcile this opposition. The application site is allocated in the Council's Local Development for the development of up to 700 houses and requires more than one principal access off a suitable adopted highway to serve a development of this scale. No other suitable access points are available to be developed as an alternative to Trane Lane. Whilst there can be little doubt the development will significantly impact upon the residential amenity of the occupants of property in Trane Lane, the consequence has to be balanced against the wider merits and objectives of the development, especially the need to meet the demand for new housing in the County Borough.

### **Socio-economic context**

The ES has investigated the Socio-economic and community impacts of the Trane Farm development project. The project is considered broadly in line with

national and local socio-economic policies and objectives. The application site is placed in a socio-economic environment where employment opportunities are welcomed. The ES concludes that almost all the identified impacts are positive.

## **Retail Impact**

Although the proposed Trane Farm project is essentially led by residential development, the proposal does incorporate provision for a small neighbourhood retail outlet with a maximum floor space area of 464 square metres. The illustrative master plan indicates this facility would be located close to the proposed junction off the roundabout at Gilfach Road. There is no planning policy objection to this element of the project, which would, in view of its comparatively small size and distance from other similar such stores and the town centre, primarily cater for the local needs generated by residents of the development itself, therefore unlikely to impact upon local trading conditions to any significant degree. Nevertheless, an objection has been lodged against this feature of the development by a local shop owner, whose business is located on Bryngolau estate, expressing concern whether the local area can sustain another convenience store.

## **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 Section 106) may only legally constitute a reason for granting planning permission if it is:

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

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. 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.

### Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

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

In this case it is suggested that the Section 106 legal agreement to accompany the application should reference the following heads of terms:

- Provision of a minimum of 10% Affordable Housing across the whole site.
- Provision of on-site public open space comprising of 1 x NEAP and 4 x LEAPs
- A Leisure / Recreation contribution to upgrade, re-grade and improve off-site sport pitches (in lieu of on-site provision of sport and recreation facilities), and initial maintenance after above works
- Future management of the public open space to be provided by a management company.
- Delivery of a Vision Statement (a written plan prepared by the South and West Wales Wildlife Trust in relation to the future management of the Habitat Areas) and the phased transfer of control of the Habitat Areas to the Wildlife Trust.
- Delivery and implementation by the developer and all other interested parties of a programme of interim management proposals of the two parcels of Rhos Tonyrefail SSSI until such time that their ownership and management is transferred to the Wildlife Trust as part of this Agreement.

### **Viability**

It is acknowledged that the Trane Farm project presents significant challenges, which include difficult topography, the need to upgrade water supply and sewerage disposal infrastructure, and need to safeguard the integrity and long term management ecological sensitive habitat including statutorily protected designations, and the provision of safe route to school. All impact upon the deliverability of the project, not least on the question of viability. The applicants have consistently asserted that these challenges in combination with Section 106 obligations towards public open space and affordable housing provision plus future liability of payment of the Community Infrastructure Levy render the project

economically unviable at least in the early phases until sufficient development has taken place and the project returns a profit. The applicants have submitted evidence to support their view and the Council instructed the District Valuer to examine the viability of the Trane Farm development, which has concluded that it faces considerable viability issues.

Following the view expressed by the District Valuer, additional viability assessments were submitted by the applicants, seeking to agree a phasing programme for contributions to meet the requirements for S106 and to allow the scheme to proceed. Detailed discussions have taken place on the need to phase payments and deliver essential infrastructure and Officers recognise that it will be essential for some form of relaxation of payments to take place within the early phases. Prior to the introduction of CIL the ability to phase payments under S106 offered greater flexibility. For the scheme to remain viable under CIL it is recognised that there will be a requirement for CIL payments to be deferred and/or discounted for the first 250 houses at reserved matters stage. Therefore, Members are advised that should this application be approved the developers are likely to request relief from the CIL due to exceptional circumstances in order for development to come forward in due course. It will be for the developers to submit that case with evidence for consideration by the Council when the detailed proposals for the development or phases thereof are lodged.

### **Overall Conclusion**

Taking all of the above considerations into account it is concluded that the proposed residential development of this site, the subject of this application, complies with Local Development Plan and there are no other material considerations to indicate to the contrary. Moreover, the affects of the development are capable of being mitigated by a planning obligation and safeguarded by appropriate planning conditions. Accordingly, it is considered that planning permission ought to be granted subject to the conditions specified below and the applicant and any other interested parties first entering into a Section 106 Agreement.

### **RECOMMENDATION: APPROVE subject to -**

- The recommended **conditions** set out below in this report;
- The applicant (and any other party/parties with an interest in the land) first entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 in order to secure a minimum package of **Planning Obligation/s contributions**, comprising the following:
  - (a) Provision of a minimum of 10% Affordable Housing across the whole site.

- (b) Provision of on-site public open space comprising of 1 x NEAP and 4 x LEAPs.
  - (c) A Leisure / Recreation contribution to upgrade, re-grade and improve off-site sport pitches (in lieu of on-site provision of sport and recreation facilities), and initial maintenance after above works.
  - (d) Future management of the public open space to be provided by a management company.
  - (e) Delivery of a Vision Statement (a written plan prepared by the South and West Wales Wildlife Trust in relation to the future management of the Habitat Areas) and the phased transfer of control of the Habitat Areas to the Wildlife Trust.
  - (f) Delivery and implementation by the developer and all other interested parties of a programme of interim management proposals of the two parcels of Rhos Tonyrefail SSSI until such time that their ownership and management is transferred to the Wildlife Trust as part of this Agreement.
- That the Service Director Planning be authorised to add, amend or vary any condition before the issuing of the planning permission, providing that such changes do not affect the nature of the development or permission;
  - Dependant on Members' resolutions in respect of the above that the Service Director Planning be authorised to enter into further discussion with the applicant (and/or their agents/representatives) in order to negotiate further the delivery and phasing of Planning Obligations contributions to be secured by the proposed development. On conclusion of these further discussions if the required mitigation provision (or financial contribution) and timing thereof identified above has not been agreed that a further report be brought back to a future meeting of this Committee confirming the outcome of those further negotiations.

**RECOMMENDATION: Grant**

Outline time limit condition

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto 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) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site 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 either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved in respect of the first phase or parcel of development, whichever is the later.

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

2. Approval of the details of the layout, scale, appearance, access and landscaping of the development (the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced within the relevant phase covered by the reserved matters: the development shall be carried out in accordance with the approved details.

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

3. The development shall be carried out in accordance with the following approved plans and documents:

- Trane Farm, Tonyrefail – Red Line Plan (drawing number 13090/1000/Rev E)
- Trane Farm, Tonyrefail - Illustrative Master-Plan (drawing number 13090/3010/Rev F)
- Trane Farm, Tonyrefail – Land Use Master-Plan (drawing number 13090/4010/Rev E)
- Trane Farm, Tonyrefail – Parameter: Residential Density (drawing number 13090/4020/Rev D)
- Trane Farm, Tonyrefail – Parameter: Heights (drawing number 13090/4030/Rev B)
- Trane Farm, Tonyrefail – Parameter: Access & Movement(drawing number 13090/4040/Rev D)
- Trane Farm, Tonyrefail – Parameter: Landscape (drawing number 13090/4050/Rev A)
- Trane Farm, Tonyrefail – Parameter: Public Realm (drawing number 13090/4060/Rev B)
- Trane Farm, Tonyrefail – Trane Lane / Distributor Junction (drawing number 12999/104/Rev A04)
- Trane Farm, Tonyrefail – Detailed Sketch Plan: Existing Retained Bat Roost (Figure 01/Rev D – Soltys Brewster Consulting)
- Trane Farm, Tonyrefail – Illustrative Green Corridor Sketches

(Figures 02 & 03 – Soltys Brewster Consulting)

- Trane Farm, Tonyrefail – Dark Corridor Location (Figure 04 – Soltys Brewster Consulting)
- Trane Farm, Tonyrefail – Stage 1 Road Safety Audit (Asbri Transport, August 2014 – Project No: T14.134)
- Trane Farm, Tonyrefail – Internal Access Road Stage 1 Road Safety Audit (December 2014 – Waterman Infrastructure & Environment Ltd)
- Trane Farm, Tonyrefail – Dwr Cymru/Welsh Water: Clean Water Hydraulic Modelling Assessment (June 2014)
- Trane Farm, Tonyrefail – Dwr Cymru/Welsh Water: Developer Impact Assessment June 2014 – Dyffryn Isaf Waste Water Treatment Works (Document ID: P2163/20.3.1/012)
- Trane Farm, Tonyrefail – Dwr Cymru/Welsh Water Hydraulic Modelling Report (reference number RT-CA-1399 issued November 2012)
- Trane Farm, Tonyrefail – Proposed Surface Water Strategy (drawing number 12999/SK02/Rev A01 and accompanying Technical Note – Waterman)
- Trane Farm, Tonyrefail – Existing Surface Water Catchment Plan (drawing number 12999/SK01/ Rev A01 – Waterman)

Reason: In order to define the terms of the permission granted.

4. The total number of dwellings to be developed at the site shall not be less than 550.

Reason: In order that the development delivers the number of units identified in accordance with policies SSA10 and SSA11 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a programme of phasing (including a phasing plan) for implementation of the whole development has been agreed in writing by the Local Planning Authority. The phasing programme shall include the proposed phased delivery of:

- Development parcels
- Junctions and access roads
- Other infrastructure including water and sewerage

The development shall be carried out in accordance with the approved phasing programme or any subsequent amendment to the approved phasing programme must be first agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development delivers the number of units identified and that the phasing of the development takes place in a proper and co-ordinated way, in the sequence agreed by the Local Planning Authority in accordance with policies SSA10, SSA11, AW5 and AW6 of the Rhondda Cynon Taf Local Development.

6. Prior to the submission of any reserved matters application an 'Urban Design Framework' or similar document setting out the main agreed design principles detailed in the document attached as Appendix A and stating how these should be applied to the detailed design of each phase of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Urban Design Framework.

Reason: To ensure a consistent approach to designing the individual phases of the development, and to ensure that elements of the scheme which span more than one phase are developed in a cohesive manner in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

#### Transportation conditions

7. No work shall take place on the phase of development to include the new priority road junction off the A4093 Gilfach Road or any subsequent phase (as defined in the Phase Programme to be submitted pursuant to Condition 5) until full engineering design and details of the junction including vehicle containment to the existing highway are submitted to and approved in writing by the Local Planning Authority. These proposals shall be in accordance with the current highway design requirements and the master-plan required under condition 3 and the Phasing Programme required by condition 5. The agreed works shall be implemented prior to the beneficial occupation of the first dwelling in the relevant phase.

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

8. The proposed vehicular access off the A4093 Gilfach Road to serve Zone A of the development shall be laid out, constructed and retained thereafter with 2.4 metres x 120 metre vision splays with no obstruction or planting when mature, exceeding 0.9 metres in height placed within the required vision splay areas.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No work shall take place on the phase of development to include the new access to the site from the A4093 / B4278 Gilfach Road roundabout new priority road junction or any subsequent phase (as defined in the Phase Programme to be submitted pursuant to Condition 5) until full engineering design and details together with relevant Road Safety Audits with designer's response of the new access and associated works including the provision of footways, pedestrian crossings and swept path analysis for each phase has been submitted to and approved in writing by the Local Planning Authority. These proposals shall be in compliance with the current requirements of the Design Manual for Roads and Bridges (HMSO). The scheme shall be implemented in accordance with the approved details and the master-plan required under condition 3 and the Phasing Programme required by condition 5. The agreed works shall be implemented prior to the beneficial occupation of the first dwelling in the relevant phase.

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

10. No works shall commence on site until full engineering design and details for the construction of a new 1.8m wide footway along the northern boundary of the A4093 Gilfach Road and its tie in with the existing footpath / footway network to the west at the junction of Heol-y-Mynydd with the A4093 Gilfach Road and to the east along the B4278 Gilfach Road have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering design details and the master-plan required under condition 3 and the Phasing Programme required by condition 5. The agreed works shall be implemented prior to the beneficial occupation of the first dwelling in the relevant phase.

Reason: To encourage more sustainable modes of travel to and from the site, in the interests of pedestrian safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No work shall take place on the phase of development to include the new Bryngolau / Caergwelais / Trane Farm roundabout new priority road junction or any subsequent phase (as defined in the Phase Programme to be submitted pursuant to Condition 5) until full engineering design and details together with relevant Road Safety Audits with designer's response of the roundabout and associated works including the provision of footways, pedestrian crossings and swept path analysis for each phase are submitted to and approved in writing by the Local Planning Authority. These proposals shall be in accordance with the current highway design requirements and be implemented in accordance with the approved details and the master-

plan required under condition 3 and the Phasing Programme required by condition 5. The agreed works shall be implemented prior to the beneficial occupation of the first dwelling in the relevant phase.

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

12. No work shall take place on the phase of development to include Trane Farm Lane (Road 2) the new Bryngolau / Caergwelais / Trane Farm roundabout new priority road junction or any subsequent phase (as defined in the Phase Programme to be submitted pursuant to Condition 5 until full engineering design and details of the improvements to Trane Farm Lane (Road 2) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details and the master-plan required under condition 3 and the Phasing Programme required by condition 5. The agreed works shall be implemented prior to the beneficial occupation of the first dwelling in the relevant phase.

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

13. Notwithstanding the submitted plans no works on the phase of development to include the works shown on Drawing No. 104 Rev. A04 (Watermans) or any subsequent phase (as defined in the Phasing Programme to be submitted pursuant to Condition 5) until full engineering design and details for those works have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details and the master-plan required under condition 3 and the Phasing Programme required by condition 5. The agreed works shall be implemented prior to the beneficial occupation of the first dwelling in the relevant phase. The development shall thereafter be carried out in accordance with the approved details.

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

14. Notwithstanding the submitted plans, no works shall take place on any given phase of development until full engineering design and details of the internal road layouts including the bus corridor, traffic calming, footpath links, street lighting, surface water drainage and highway structures including longitudinal and cross sections for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details

and the master-plan required under condition 3 and the Phasing Programme required by condition 5. The development shall thereafter be carried out in accordance with the approved details.

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

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

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

16. 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 service, 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 Planning Policy Wales and policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. 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:

- 1. the means of access into the site for all construction traffic,
- 1. the parking of vehicles of site operatives and visitors,
- 2. the management of vehicular and pedestrian traffic,
- 3. loading and unloading of plant and materials,
- 4. wheel cleansing facilities,
- 5. the sheeting of lorries leaving the site.

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

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

18. No HGV deliveries shall take place during the construction period between the hours of 08:00 am to 09:00 am and 15:00 pm to 16:00 pm on weekdays to and from the site during school term times.

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

#### Archaeology conditions

19. No work shall take place on the phase of development to include Trane farmhouse and its associated outbuildings, or any subsequent phase (as defined in the Phasing Programme to be submitted pursuant to Condition 5), until an appropriate programme of historic building recording and analysis for the farmhouse and its associated outbuildings has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: As the building is of significance the specified records are necessary to mitigate the impact of the proposed development in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

20. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

#### Drainage conditions

21.

No development shall take place within any given phase of the approved development until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details for that phase have been approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The development shall thereafter be carried out in accordance with the approved details.

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

22.

No development shall take place within any given phase of the approved development until ground conditions on that phase have been proven (in accordance with the procedure outlined in BRE 365) capable of supporting infiltration methods of drainage and that the groundwater level will not encroach within 1 metre of the underside of such infiltration drainage structures.

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

23.

The 51<sup>st</sup> dwelling shall not be occupied until either of the water network upgrades described in the Conclusions and Recommendation of the Clean Water Hydraulic Modelling Assessment Report issued in June 2014 have been carried out and are operational and this has been confirmed in writing by the Local Planning Authority.

Reason: To protect the integrity of the public water supply system in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

24.

No dwelling shall be occupied until off-site improvements in accordance with the solutions in Dwr Cymru's Hydraulic Modelling Report (reference number RT-CA-1399 issued November 2012) to the public sewerage system have been completed and this has been conformed in writing by the Local Planning Authority.

Reason: To protect the existing community and environment from the adverse effects of sewage flooding and to ensure the development is effectively drained in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

25. Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

26. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

27. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

28. No development shall take place within any given phase of the approved development until a foul water drainage scheme to adequately accommodate foul water discharge from the site has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use and no dwelling shall be occupied until the foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.

Reason: To ensure that effective drainage facilities are provided for the development and that no adverse impact occurs to the environment or the public sewerage system in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

### Public Health conditions

29. Specification of fixed building plant, for each individual phase of development, shall be submitted to and approved in writing by the Local

Planning Authority, prior to its beneficial use.

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.

30. The development hereby permitted on all phases of the development shall be acoustically insulated in accordance with a scheme to be previously submitted to and approved in writing by the Local Planning Authority, prior to beneficial occupation. The scheme shall be implemented in accordance with the approved details and the master-plan required under condition 3 and the Phasing Programme required by condition 5. The agreed works shall be implemented prior to the beneficial occupation of the first dwelling in the relevant phase.

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.

31. No development shall take place within any given phase of the approved development until a Construction Environmental Management Plan (CEMP) for that phase, detailing the proposed dust suppression measures has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved CEMP.

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.

32. Soil test results from previous investigations (particularly for areas of made ground) shall be reviewed and risk assessed against current standards. Evidence of / confirmation that this has been completed shall be submitted to the Local Planning Authority on a phase by phase basis. Where any need for remediation is identified by the above, details of the recommendations shall be submitted to and approved by the Local Planning Authority and all remedial work shall be properly validated and a report submitted for the approval of the Local Planning Authority.

*(NB: The desktop study should be expanded to identify any chemicals/fuels stored/used at the farm. Confirmation should be sought that the risk assessment has accounted for these as appropriate.*

*Integral Geotechnique's 2012 report highlights the need for additional work in respect of shallow mine workings and gas monitoring once the final layout for the site is known. Details of these proposals should be provided*

*to the Local Planning Authority. We would also recommend that the risk assessment for the site should take into account a closed municipal landfill site which has not been reported on to date).*

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. 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
- Nor 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

#### Ecology and Wildlife Protection conditions

34. No development shall take place within any given phase of the approved development until a Wildlife and Habitat Protection Plan for Construction has been submitted and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriate scale plan showing 'Wildlife and Habitat 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 to adjacent SSSI habitat, hedgerows, trees and other areas of ecological value;
- 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, badger, reptile/amphibian, and bat)
- d) Details of specific species and habitat mitigation and monitoring measures for key species (including bats, birds, badger and reptiles/amphibian)
- e) Details of tree protection measures
- f) Details of invasive plant avoidance and /or treatment
- g) Site lighting details
- h) Persons responsible for:

- Compliance with legal consents relating to nature conservation;
- Compliance with planning conditions relating to nature conservation;
- Installation of physical protection measures during construction;
- Implementation of sensitive working practices during construction;
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- Specific species and Habitat Mitigation measures
- Provision of training and information about the importance of the 'Wildlife and Habitat 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.

35. No development shall take place within any given phase of the approved development until details of the Landscape Mitigation Plan for that phase has been submitted to and approved in writing by the Local Planning Authority.

The Landscape Mitigation Plan shall include details of;

- i) Purpose, aim and objectives of the scheme;
- ii) A review of the plans ecological potential and constraints;
- iii) Details of the landscaping schemes, including;
  - a) species composition;
  - b) source of material (all native planting to be of certified Welsh provenance);
  - c) techniques and methods of vegetation establishment;
  - d) method statements for site preparation;
  - e) extent and location of proposed works;
  - f) aftercare and long term management;
  - g) personnel responsible for the work;
  - h) timing of the works;
  - i) monitoring;
  - j) disposal of waste arising from the works;

All landscape works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning

Authority.

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

36. No development shall take place within any given phase of the approved development until details of all construction works affecting trees and hedgerows, and related and associated details of a pre-construction Tree and Hedgerow Management Plan measures for that phase have been submitted to and approved in writing by the Local Planning Authority.

The works shall be undertaken in accordance with the approved plan.

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.

37. No development shall take place within any given phase of the approved development until a Public Open Space design, construction and management plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall clearly illustrate how the different components of the site's open space will be managed and considered with appropriate treatment, cross-referencing and integration of works with:

- i) Rhos Tonyrefail SSSI mitigation measures
- ii) green corridors
- iii) other public open space areas
- iv) flood and drainage attenuation features

Reason: To ensure the proper management of public open spaces in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

#### Site Levels condition

38. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Retail conditions

39. The commercial/retail facilities hereby approved shall be used for purposes within Class A1 of The Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument involving and re-enacting that Order.

Reason: To ensure the development supports the provision of local services and supports and reinforces the role of Tonyrefail as a Key Settlement in accordance with Policy SSA4 of the Rhondda Cynon Taf Local Development Plan.

40. The net retail floor space of the commercial/retail facilities hereby approved shall not exceed 464 square metres and retail sales shall be limited to convenience goods only.

Reason: To ensure the development supports the provision of local services and supports and reinforces the role of Tonyrefail as a Key Settlement in accordance with Policy SSA4 of the Rhondda Cynon Taf Local Development Plan.

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