



## **PLANNING & DEVELOPMENT COMMITTEE**

**22 NOVEMBER 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0872/13  
(GD)

**APPLICANT:** Llanmoor Development Co Ltd

**DEVELOPMENT:** Proposed residential development and associated highway access, provision of an on site school and ancillary uses and works on land at Ystrad Barwig Isaf.

**LOCATION:** YSTRAD BARWIG ISAF FARM, CROWN HILL,  
LLANTWIT FARDRE, PONTYPRIDD, CF38 1BL

**DATE REGISTERED:** 01/08/2018

**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION:** Approve

#### **REASONS:**

The site is outside settlement limits however, on a full and balanced consideration of all policy relevant to the proposed development it is on balance, considered acceptable. In addition the proposals are acceptable in terms of all other material planning considerations including flooding impacts, highway impacts, landscape impact and the impact on the character and appearance of the area.

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

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three or more letters of objection have been received;

## APPLICATION DETAILS

This application seeks outline planning permission on land at Ystrad Barwig Isaf Farm, Crown Hill Llantwit Fardre. It is intended that the principal means of access to the site will be derived from the route of the existing farm access road which will be improved to a standard suitable to serve the level of development proposed with an emergency access provided on the western boundary of the site on the B4595. It is envisaged that the site would be capable of accommodating up to 440 dwellings, with the inclusion of a school. The development would occur over two phases, reflecting the plateau development areas.

The masterplan shows development across two broad parcels of land separated by an improved Nant Myddlyn corridor running broadly north –south through the site which provides the green infrastructure, flood mitigation, ecological enhancement public open space and play areas. As previously the masterplan has been designed to accommodate established Public Rights of Way and retain as far as possible established hedgerow.

The proposed community/commercial element of the development sits within the eastern part of the site immediately adjacent to the access point from Crown Hill.

Members will be aware that an earlier application, Ref: 15/1295 also sought the residential development of this site in similar terms to the current application and was ultimately rejected by the Minister following a public inquiry. It is therefore perhaps appropriate to explain the differences between the current submission and the earlier application. The proposed development represents a revised scheme to that rejected by the minister principally in respect of the developable area relative to the quantified flood risk extent. The masterplan submitted with the current application (drawing no. 1702-UD-GA-90-001) has been planned to direct all highly vulnerable development away from the Development Advice Map (DAM) Zone C2 and areas of quantified flood risk. If the current application is approved and the ground works referred to in the Flood Consequences Assessment are carried out as part of the first phase of development, this would allow a DAM map challenge to be made the likely consequence of which would be that the site would be reclassified as DAM zone A which would in turn allow the site to be developed to its fullest potential.

In addition to the planning application forms certificates and plans the current application is also accompanied by the following –

- Planning Statement;
- Design and Access Statement.
- Pre application Consultation Report.
- Transport Assessment and Position Statement
- Landscape and Visual Assessment and Addendum.
- Extended Phase 1 Habitat Survey and Addendum.

- Tree Survey and Addendum.
- Flood Consequences Assessment
- Water Framework Directive Assessment.
- Drainage Strategy
- Ground Conditions Desk Study Report and Addendum
- Agricultural Land Classification Survey and Farming Circumstances Report and Addendum.
- Air Quality Assessment and Addendum.
- Archaeological Desk Based Assessment.
- Noise Impact Assessment and Addendum, and
- Utilities Strategy Report.

## **SITE APPRAISAL**

The application site is comprised in an irregularly shaped area of some 22 hectares that forms Ystrad Barwig Isaf. The site is largely agricultural land comprised in a series of fields defined for the most part by hedgerows which are reinforced at the outer edges by highway infrastructure and the central area of the site is occupied by the houses and outbuildings of the farm unit. The topography of the site itself is best described as undulating.

The site currently benefits from its own access road from Crown Hill, the site also benefits from a secondary access from the east via a lane which serves as the current access to the residential element on site. Public rights of way ANT/219/1, ANT/220/1 and ANT/221/1 Llantwit Fardre also pass through the site linking the residential development to the north with the community route adjacent to the Church Village By Pass road.

The wider area is characterised as being largely residential to the north of the site whilst the site itself and areas to the south are far more rural in character. That said the site itself is defined by roads as much as it is by its own boundaries in that Crown Hill lies to the east the bypass to the south of the site and the remaining boundaries skirted by unclassified routes. Llantwit Fardre is one of a group of settlements in the area with Church Village lying to the north, Beddau to the west and Efail Isaf to the east. The site is almost equidistant between the communities of Pontypridd and Llantrisant which both lie approximately four miles distant east and west respectively.

## **PLANNING HISTORY**

15/1295	Residential development and associated highway access, provision of an onsite school, ancillary uses and works	Committee resolution to approve subject to call in by Welsh Ministers 7/07/16 – Called in and refused by
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		Welsh Ministers 10/10/17
12/0202	Provision of internal farm access road	Refused  23/04/17
12/0061	Provision of private agricultural access roads for the movement of vehicles/livestock/machinery within the farm.	Permission required 13/02/12
10/0138	Use of land as a borrow pit to provide suitable fill material to construct the adjacent Church Village bypass and reinstate land to agricultural use.	Approved 25/06/10
09/1030	Re-grade agricultural land within enclosure 4985 using inert material as fill.	Approved 15/06/10
09/0102	Retention of existing waste transfer station to include hard standings, covered process area, parking, welfare facilities and storage area together with access on to the highway network amended as part of the Church Village bypass	Approved 15/07/10
08/1239	Provision of hardstanding for storage of big bale cattle fodder	Approved 07/10/08
08/1132	Excavation of topsoil the airings being used on the farm, hardcore and stone from the waste transfer station and soils imported to blind the inert tip on the farm will be crushed and laid into the excavation and then compacted by a tract excavator or similar. Fines arising from the crushing operation will be deposited on the crushed material levelled and tracked into the surface. The site will be fenced from the adjacent farm – access road construction as part of the Church Village bypass.	Withdrawn 10/07/08
05/1863	Variation of conditions 13 & 22 of planning appeal approval 1140167 for a skip sorting and recycling facility to allow the use to continue independently of tipping/land filling operations planning appeal approval 1139397	Approved 14/04/06
03/0836	Renewal of permission 56/97/2775 skip sorting and recycling facility	Refused 21/10/03

		Appeal allowed 10/06/04
03/0348	Variation of condition 4 of consent 93/0422 to extend the period for landfill and restoration	Refused 21/10/03
		Appeal allowed 10/06/04
97/2893	Erection of an agricultural dwelling	Approved 20/02/98
97/2775	Skip sorting and recycling facility	Approved 15/05/98
93/0422	Extension to existing landfill site; land to eventually be restored to agricultural and grazing use.	Approved 26/10/93
77/0281	Erection of agricultural building	Approved 19/04/77

## **PUBLICITY**

The application has been advertised by means of press notice site notices and neighbour notification letters. At the time of preparation of this report two petitions opposing the application had been submitted containing 346 and 125 signatures respectively along with 180 letters opposing the application 97 of which were submitted after the allotted period for public consultation. A summary of the objections are set out below.

### Local Development Plan, Planning Policy & Housing Land Supply Issues.

- *The application site was originally promoted for inclusion in the Council's Local Development plan but was deemed unsuitable due to access issues, flooding constraints and the ecological value of the site which included a SINC. This is the third time that the site has been promoted for development.*
- *Though the developer has promised to build a school concern remains that the current proposals represent a drastic departure from the Local Development plan, which itself proposes the building of two new schools in Church Village and Tynant and allocates significant amounts of land in Llantwit Fardre and the surrounding area for residential development to deal with the projected housing demand.*

- *Given the proposed location of the school on a floodplain it is questioned whether the proposals actually comply with the requirements of Local Development plan policy AW2.5 and Technical Advice Note 15.*
- *If granted the development would represent unjustified residential development outside of settlement limits in the open countryside contrary to the Local development plan and planning policy Wales.*
- *Though the Joint Housing Land Availability Study indicates a shortfall, the Council's own monitoring of the Local development Plan highlights that housing targets are not only being met in the south of the county borough but there has been significant delivery of new houses allocated within the Local Development Plan at both affordable and market rates. Claims made by the developer on the housing land supply issue need to be properly evidenced.*
- *Previously the Council has stated that action could be taken to rectify the housing land supply shortfall and it is therefore questioned why supply has fallen so rapidly.*
- *The consequence of the housing land supply situation is that Greenfield sites outside of defined settlement limits could now be developed.*
- *The situation questions the logic of the Council investing in the development of a Local Development Plan that is ultimately unable to withstand speculative planning application on land that has previously been deemed unsuitable for development.*
- *The Welsh Government are consulting on whether to remove the clause in TAN 1 that gives any weight whatsoever to housing land supply targets within the planning process.*
- *The suspension of paragraph 6 of TAN 1 reflects its intention to stop speculative planning applications which are only being submitted and considered by Authorities where housing land supply figures have fallen below 5 years.*
- *Either the LDP is a meaningful document offering real protection to Greenfield areas or it isn't.*
- *The settlement boundary should not be relocated simply for the convenience of a housing developer.*
- *One of the reasons for the exclusion of the site from the LDP was its value to the community as a green space close to a number of housing estates.*
- *One of the aims of the LDP was to reduce the number of people flowing from RCT into Cardiff for work. Many of those who would buy these houses will fall into this category and this will make all the walkways proposed of little use in getting people to work on foot or bicycle as encouraged by the Active Travel Act.*

## Sustainability

- *A robust assessment of sustainability is not possible without considering the cumulative impact of developments in the same locality and such an assessment is needed here.*
- *Brown field sites and particularly the former Cwm Colliery and Coke works, should be developed ahead of any new greenfield sites coming forward.*

## Flooding Issues

- *Planning permission for the development of this site was recently refused by the Welsh Government on the basis that the development of the site for housing would represent highly vulnerable development on a zone C2 floodplain. Some objectors have quoted passages from the inspectors report with regard to this issue as follows-*
- *Irrespective that the majority of the site is not located within zone C2 ... the proposal scheme has to be considered in its totality and the fact of the matter is that at present part of the proposal is where vulnerable development would be sited; in such instances TAN 15 makes it quite clear that highly vulnerable development should not be permitted.*
- *On the C2 floodplain issue objectors then point out that even though the current proposals do not involve any building taking place within the C2 floodplain they go on to quote the following from the inspector which they claim indicates that such a scenario would not give rise to a different decision –*
- *...or that following the proposed mitigation works all of the site would be removed from C2 the proposed scheme has to be considered in its totality.*
- *Also on this issue objectors have gone on to quote the minister Lesley Griffiths AM on the matter who stated in her decision –*
- *(the inspector) notes paragraph 6.2 of TAN 15 leaves no doubt as to what is required and is quite categorical , highly vulnerable development, such as the residential development proposed, should not be permitted in zone C2 of the floodplain.*
- *At the time that the proposal site was rejected for inclusion in the Local Development Plan the then Environment Agency Wales highlighted that the site was within the Development Advice map Zone C2 floodplain. The site remains part of the floodplain.*

- *The proposal also does not meet the criteria for the local planning authority to exercise its discretion afforded by the regulations as the proposal is not part of a local authority regeneration initiative or strategy to sustain an existing settlement nor is it necessary to contribute to key employment objectives.*
- *The plans for the new development occupy the same footprint as the previous application and would promote highly vulnerable development in a flood risk area.*
- *The developer proposes to build the first 150 houses on land away from greatest flood risk , carry out flood mitigation works to remove more land from flood vulnerability and then to apply to have the Development Advice Maps reclassified flood zone A which will lead to further construction works on the reclassified flood plain.*
- *As the revised proposals still intend to build in a flood risk area this is an unsustainable development and TAN 15 clearly states that highly vulnerable development should not be permitted.*
- *The Planning Inspector considered the applicants previous flood mitigation proposals and was clear as to the unsuitability of the development.*
- *Previous development has made the frequency and intensity of flooding in the locality worse and the current proposals will further exacerbate the situation.*

#### *Social & Physical Infrastructure Issues*

- *At the time that the proposal site was rejected for inclusion in the Local Development Plan Welsh Water raised concerns that the sewerage network would be unable to cope with substantial demand.*
- *There is generally growing pressure on local services and in particular access to GP services. The Parc Canol GP group practice currently has a capacity shortfall of 300 appointments per week and the development of the site would exacerbate this situation The practice manager has indicated that they are already stretched to the limit and the proposals would lead to worsened access for patients, existing and new, waiting times would deteriorate, worsened waiting times for patients with routine problems, managing more patients with existing funds until funding is improved all of which would serve to increase stress levels and illness within the practice. More recently Parc Canol has made the decision due to space issues to stop hosting health visitor teams and district nursing teams and has had proposals for expansion*



*rejected by the health board . This flies in the face of claims by the health board that they are working with local GP's to expand provision.*

- *Services at the Royal Glamorgan Hospital are being downgraded*
- *A sustainable decision cannot be made on this application without the voice of healthcare providers being heard.*
- *The health authority have previously indicated that they do not have the funds to build a new surgery or GP centre. And they rarely if ever comment on large scale housing developments and their impact.*
- *Even if additional doctor surgery provision is made would doctors want to work here given the difficulties experienced in bringing GP's to other parts of Rhondda Cynon Taf.*
- *The previous application was rejected for the stress it would place on local services as well as the flooding issue and local health service provision has deteriorated in the last eighteen months.*
- *It is questionable if the local sewerage system would be able to cope with the additional development.*
- *Development in Cardiff is already placing great stress on the sewer system in Cardiff bay and Welsh Water have also expressed concerns in respect of the sewerage system in Llantwit Fardre and no further building should take place until the effects of the current level of development on local infrastructure and services are fully understood.*
- *The needs of existing residents should be properly met before further development is allowed to progress.*
- *Schools are already full with children being taught in mobile units.*
- *Even if the school on the site gets built would teachers want to teach in a property built on a floodplain?*
- *The design and access statement for the initial stages of development only talks of making the school site available for development which begs the question as to when exactly will the school be built? And in turn where will children from this estate go to school before the facility on site is provided?*

- *There is a suggestion that the school might not be built at all and that RCT have not spent monies accrued from the Duffryn Bach development and such uncertainty is a cause for concern to local parents.*
- *Existing infrastructure cannot cope with existing demand and further housing will only exacerbate the situation.*
- *The school should be built and made available before any houses are occupied.*
- *Water pressure in the area is low and would be worsened by further development.*
- *The lack of play areas for the very young on earlier Llanmoor developments is causing commuting to other play areas which are themselves constrained by the health centre and sports halls*
- *There is a minority view that there is no need for a further school as sufficient capacity exists and two new schools are already proposed.*

#### Highways & Transportation Issues

- *There would be increased environmental impact with increased traffic and consequent road safety concerns on Crown Hill.*
- *The development would add substantially to the volume of traffic and would as a consequence add to congestion and increased commuting times. As would proposals to develop the former Cwm Coke Works site.*
- *The proposed development is one of a number of proposed or approved developments in the area which would exacerbate highway conditions particularly along the route of the new bypass road –which many regard already as out of date and oversubscribed at peak times - and the Main Road through Llantwit Fardre and together with other existing and proposed development would place the A4119 and M4 under greater stress and the highways department need to take these issues into consideration when deliberating on the proposals. The former transport minister Edwina Hart AM is quoted thus –*
- *Where we have got massive housing expansions, or we have got new industrial estates coming on, we have got to sort out the transport infrastructure. Because if we don't sort it out it will be absolute chaos on some of the existing roads.*

- *The South Wales metro provides a sustainable and accessible long term solution but until it happens development which reduces wellbeing and quality of life whether that means reduced air quality or longer commuting journeys cannot be supported.*
- *Proposed and approved developments nearby would only serve to exacerbate problems already identified.*
- *One point of access is inadequate to support the number of dwellings proposed.*
- *The applicants should be clear about the number of off road parking spaces that will be provided within the development.*
- *Due to other developments in and around the local area, the situation on the roads and particularly along Crown Hill has deteriorated in the last eighteen months.*
- *The lack of crossing points between the existing school and residential areas is a concern.*
- *The proposal offers nothing that would improve or aid the use of public transport. And if it did that would lead to increased pollution in the area.*
- *Proposals for and the impact of the proposed development on Ystrad Barwig Lane are unacceptable it should remain a community route and must not be used for construction access.*
- *Regardless of the outcome of this planning application serious consideration should be given to making Creigau Road into a one way road and placing a speed restriction to it.*

#### Public Footpaths & the Community Route

- *The community path provides a free healthy area for people to improve their fitness in an area where there are high levels of chronic illness and low income. It goes against the strategies for a healthier Wales set out by the Welsh Government as it would have an adverse impact on health and wellbeing.*
- *When the route was designed compromises were made on the understanding that its route through little used roads would continue to be little used and the*

*current proposal threatens this position through the provision of an emergency access.*

- The success of the route is in part due to it being away from traffic and offering pleasant views and those view would be adversely affected by the development of the site Building a large housing development immediately adjacent to the path will erode its intrinsic value.*
- Three footpaths cross the site and all show signs of high usage*

### *Farm Related Issues*

- Agricultural and green field land should be retained for the good of the environment.*
- The development would lead o the loss of higher grade agricultural land*

### *The Physical Environment*

- Increased housing would lead to more cars on the road and increased pollution in an area that already suffers. Note the recent decrease in the speed limit on the A470 due to pollution and the effect idling traffic would have on Power Station Hill.*
- The area already experiences heightened noise and dust and the proposed development would inevitably worsen that situation.*
- The design and access statement makes reference to retail space and community buildings on site but only seems to e offering the land and does not appear to be offering to build them – so who will? Is there any interest from small shops and businesses that could make use of these buildings?*
- Noise pollution from construction activity would be an inevitable consequence of the development of the site*
- Noise levels from traffic already exceed established environmental standards and the development would worsen this situation.*

### *The Natural Environment*

- When the site was rejected for inclusion in the Local development Plan the then Countryside Council for Wales indicated the site contained habitat that*

*could support European protected species (dormice & greater crested newts). The site still provides habitat for European protected species.*

- As the site is outside of defined settlement limits it would have a detrimental environmental impact.*
- The loss of open space would lead to overdevelopment of the area,*
- The development of the site has the potential to impact the adjacent SINC.*
- The fields are used by migratory birds every year including Canadian Geese.*
- Local wildlife has declined as a result of development in the area – what happened to the dormouse bridges that were a necessity for the by-pass development? They have been taken down and not replaced but why if this was a requirement to make that development acceptable.*

#### *Other matters*

- Allowing the development of the site would have an adverse impact on local amenity.*
- Further development could lead to coalescence in the first instance with Talbot Green and potentially with Cardiff.*
- The changes made to the proposed plans are insufficient to address the previously identified problems relating to flooding access and damage to the character of the area.*
- As the proposal has already been rejected once by the Minister a ban should be put in place on the development of the site – some suggest for up to a generation.*
- Sales of farmland for development are being driven by the end of European subsidies for farmers.*
- The proposed development will irretrievably destroy the quality of life of existing residents*
- The developers should not be allowed to reapply for planning permission when their proposals have so recently been refused by the Welsh Ministers.*

- *The loss of open space will lead to the ghettoisation of the area and the social problems that are regularly associated with such areas, (anti social behaviour, drug taking etc)*
- *The development if allowed would amount to a blight on the landscape*
- *The planning application process pits well resourced and funded housing developers against under resourced and underfunded local residents. Which leads to feelings of frustration with the system and a general sense of unfairness.*
- *Other objectors may raise the same objections as previously thinking that nothing has changed not realising that the current proposal if implemented as proposed by the developer would not be affected by C2 floodplain issues.*
- *Building 440 houses would create effectively a new village the size of Efail Isaf without the supporting amenities that would facilitate social cohesion. The developer should give consideration to setting up a community fund to promote community groups that would facilitate community cohesion.*
- *It is not likely that RCT would build new community facilities on the site given financial constraints and there is currently disagreement over the future lease for the existing Crown Hill community centre and without resolution that facility might also be lost.*
- *Allowing the development, despite claims to the contrary by the applicant's agent would set a precedent that would lead to further proposals for residential development coming forward. Infrastructure and services should be considered before new housing comes forward.*
- *Though residents recognise the need to provide more affordable housing the area has been subject to extensive development in recent years and infrastructure and services now need to be put first.*
- *The proposed development would have an adverse impact on the long term wellbeing of existing residents*
- *The proposed development would adversely impact local property values.*
- *Proposals to develop adjacent land that is outside of the settlement limits have consistently been resisted for the last 20 years.*

- *The price of the proposed houses would be high in order to maintain commercial sustainability with housing in Heol Creigau, St Brides Major and others.*
- *There should be no encroachment on the boundaries of Windways*
- *The application has been inadequately advertised.*
- *The development would turn greenbelt land over to construction*
- *Who would want to buy property on a floodplain and who would insure them?*
- *The development would provide 20% social housing mixed with people who are paying “their hard earned cash” for a property so who would buy a house at full price knowing that. On the other side, would it be appropriate to have a social housing occupant housed in an area where they cannot compete and would be victimised. This would lead to an “us and them” scenario increasing the likelihood of crime escalating.*
- *The situation that has been allowed to perpetuate over the development of the Cwm Coke Works site will only encourage proposals like this one.*
- *The provision of affordable houses in the development will increase demand for public transport as residents may not own cars.*
- *Loss of view.*
- *The proposed development would ruin the look of the area*
- *Developing the site for residential purposes would be unsafe as toxic material has been deposited in the landfill*
- *A resident suggests that new development should be directed away from this area and in to the valley areas where it is needed*

## **CONSULTATION**

Highways – having given careful consideration to the submitted detail including the Transport Assessment and Position Statement no objections are raised subject to conditions

Drainage – no objections subject to conditions.

Public Health & Protection – note the provision of the detail submitted with the application and recommend conditions requiring further site investigations and subsequent validation reports along with conditions relating to the importation of soils and dealing with any previously unidentified contamination in the course of works.

Countryside – indicate that there are no SEWBREC records of protected species at the site but recommend the attachment of bat informative notes to any consent issued

Education – no objection subject to the timely delivery of appropriate education provision to meet the needs of the proposed development.

Street Care – require that at the detailed design stage regard is taken of the need for appropriate access for refuse collection vehicles and that refuse storage areas should be appropriately located.

Rights of Way Officer – raises no objection to the proposed development subject to alternative provision being made through the course of development and the applicant securing the necessary footpath diversions and/or stopping up orders at the appropriate time.

Housing Strategy – planning policy requires the provision of 20% affordable housing on sites of 5 units or more in the Southern Strategy Area. As the current proposal seeks consent for a total of 440 residential units, 88 units of affordable housing should be secured to satisfy the policy requirement.

Based on the findings of the Local Housing market Assessment 2017-18 it is recommended that the following affordable housing mix be secured on site –

- 34 x 1 bedroom walk up flats for social rent (DQR standard)
- 10 x 2 bedroom houses for social rent (DQR standard)
- 6 x 3 bedroom houses for social rent (DQR standard)
- 2 x 4 bedroom houses for social rent (DQR standard)
- 18 x 2 bedroom houses for low cost home ownership (market standard)
- 18 x 3 bedroom houses for low cost home ownership (market standard)

The low cost home ownership units should be built to the same standard as the equivalent open market units and be made available for sale to Council nominated first time buyers from the Homestep Register. The developer's contribution should equate to 35% of the open market value for each unit; i.e. the nominated purchaser should pay no more than 65% of the open market value per unit.



Natural Resources Wales – with regard to the flooding issue significant concerns are expressed though no objection is raised subject to a series of conditions being applied to any consent that might be issued in respect of the proposed development. Similarly, the potential presence of European Protected Species is acknowledged in and around the site and it is suggested that conditions are applied to any planning permission to secure their future in accordance with the recommendations of the submitted ecological appraisal.. Conditions are also recommended in order that any potential contamination of the site can be adequately addressed.

Dwr Cymru/Welsh Water – no objections subject to the inclusion of conditions relating to water supply, drainage and the installation of grease traps at the proposed school being incorporated into any consent issued.

Western Power Distribution – raise no objections to the proposed development and advise that if the applicants require a service diversion or a new connection then the separate consent of WPD will be required.

Wales & West Utilities – no observations received

South Wales Fire & Rescue Service – advise that the developer should consider the need for the provision of an adequate water supply on site for fire fighting purposes and that the site be designed to allow access for emergency fire fighting vehicles.

Cwm Taf UHB – has considered the impact that the proposed residential development would have on the current provision of health services within the immediate and surrounding areas of Llantwit Fardre. It is currently working with independent contractors, especially GP's but also dental and optometry practices as well as the supporting community services to explore ways in which capacity can be increased to accommodate the additional demand. This be met by either improving the current premises but also exploring the opportunities for development of new premises where strategically identified.

Cadw – having carefully considered the information provided with the planning application indicate that they have no objections to the impact of the proposed development on scheduled monuments.

Coal Authority – concurs with the recommendations of the desk study report that coal mining legacy poses a potential threat to the proposed development and that intrusive site investigations should be undertaken prior to development taking place so as to address any such risk. Recommend that conditions be applied to any planning permission to ensure such investigations are undertaken pro to the commencement of development.

Police Authority – raise no objections to the proposal and comment in detail with regard to the general layout, housing, school and they also recommend that secured by design standards be pursued in the detailed design of the development.

Glamorgan Gwent Archaeological Trust – raise no objections to the proposed development and recommend that a condition is attached to any planning permission for the submission and implementation of a programme archaeological works including historic building recording and a watching brief during the groundworks required to facilitate the development.

Community Councils – Llantrisant Community Council have sought clarification of what is meant by “site” for the School and whether that would include also include all building work relating to the school. Llantwit Fardre Community Council have not responded with regard to this application.

## **POLICY CONTEXT**

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

**Policy CS2** - sets out criteria for achieving sustainable growth which benefits Rhondda Cynon Taf as a whole, including, promoting and enhancing transport infrastructure services.

**Policy AW1** – Sets out how the Council will deliver sufficient new housing through the development plan up to 2021 and also sets out an expectation that affordable housing requirements can be met

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW4** – advises in respect expectations relating to planning obligations and community infrastructure.

**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 AW8** – sets out criteria for the assessment of proposal in relation to their impact on the natural environment.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy AW14** – aims to safeguard the sandstone resource in the County Borough.

**Policy SSA10** – allocates land for housing in the south of the County Borough.

**Policy SSA11** – requires that new housing development should come forward at a minimum density of 35 dwellings per hectare.

**Policy SSA12** – requires the provision of 20% affordable housing

Relevant supplementary planning guidance –

1. Design and Placemaking
5. Affordable Housing
6. Nature Conservation
7. Planning Obligations
8. Access Circulation and Parking
10. Development of Flats
11. Employment Skills Training

### **National Guidance**

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

#### **Planning Policy Wales (Edition 9, November 2016)**

- Chapter 2 (Local Development Plans),
- Chapter 3 (Making and Enforcing Planning Decisions),
- Chapter 4 (Planning for Sustainability),
- Chapter 5 (Conserving and Improving Natural Heritage and the Coast),
- Chapter 6 (The Historic Environment),
- Chapter 7 (Economic Development),
- Chapter 8 (Transport),
- Chapter 9 (Housing),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing (2006);
  - PPW Technical Advice Note 5: Nature Conservation and Planning (2009);
  - PPW Technical Advice Note 11: Noise (1997);
  - PPW Technical Advice Note 12: Design (2016);
  - PPW Technical Advice Note 15: Development and Flood Risk (2004);
  - PPW Technical Advice Note 16: Sport Recreation and Open Space (2009);
  - PPW Technical Advice Note 18: Transport (2007);
  - PPW Technical Advice Note 21: Waste (2014);
  - PPW Technical Advice Note 23: Economic Development (2014)
- 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:**

The key determinants in the consideration of this planning application are the planning policy position generally, though with particular reference to the housing land supply situation and flooding. Additionally, ecology, the water environment, highways and transportation issues, the impacts of the proposals on the character and appearance of the area and the impact of the proposals on the residential amenity and privacy of existing residents are also determining factors.

### **Planning policy related issues**

The application site lies wholly outside of but immediately adjacent to the settlement boundary for Llantwit Fardre as defined by the Rhondda Cynon Taf Local Development Plan (LDP). As such the proposal is considered a departure from the development plan and therefore the issue becomes one of whether there are any material planning considerations that would justify the grant of planning permission contrary to the requirements of the LDP. In this instance it is considered that the continuing issues around housing land supply and sustainability (see below) remain substantial material considerations in the determination of the current proposals and that this outweighs any of the issues with regard to development outside of settlement limits. Members should also note that the proposal does not involve the LDP settlement limit moving in any way as some objectors have suggested as that could only occur as a result of a development plan review.

In their objections and comments, residents have suggested that there is no material consideration that would justify a departure from the LDP. However, under current circumstances the five year housing land supply requirement as of 1<sup>st</sup> April 2018 stood at only 1.4 years. Previously paragraph 6.2 of Technical Advice Note 1 would have offered the strongest possible support for increasing housing land supply in such circumstances, stating that *“where the current study shows a land supply below the 5-year requirement...the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”*. However

that particular paragraph has now been dis-applied by the Minister, though in doing so, the Minister commented that “...it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where a Local Planning Authority has a shortfall in its housing land.” The situation within Rhondda Cynon Taf is that since Members last considered the development of this particular site the housing land supply has shrunk to 1.4 years, (when Members last considered the issue supply was reported as standing at 2.4 years in 2015 with every indication being that it would fall further). As the situation has worsened over the intervening period officers remain of the view that considerable weight should be given to the issue of housing land supply in the determination of the current planning application. This ongoing and worsening shortfall indicates that there is a clear need to increase housing land supply now more so than before and that it represents a material planning consideration of substantial weight, though the proposed development would also have to otherwise comply with development plan policies and the requirements of Planning Policy Wales and its associated Technical Advice Notes in all other relevant policy areas..

In resubmitting the planning application the applicants have had the opportunity to address the one key issue that in policy terms the previous application did not address to the satisfaction of the Welsh Government, namely planning policy relating to flood risk. The current application still has the same red line boundary, but its masterplan clearly demonstrates that none of the housing or the proposed school and local facilities are to be located within the C2 flood zone as defined by the development advice maps. As such the development as now proposed satisfies the requirements of Local development plan policies AW2 and AW10 insofar as they relate to this particular issue. As all highly vulnerable development would now take place entirely outside of zone C2 of the development advice map, the proposal is compliant with paragraph 6.2 of Technical Advice note 15 Development and Flood Risk in that development is being directed away from zone C to other areas and consequently the proposal is policy compliant. Equally in the circumstances there is no need to consider the application of the four tests that particular paragraph sets. It is acknowledged that until the alleviation works promoted by the flood consequences assessment take place that some of the roads and cycleway in this early phase of development will flood, albeit to only acceptable shallow depths and velocities, the built development will remain dry It is not considered that this situation would trigger paragraph 6.2 and its tests as roads and cycleways in themselves are not highly vulnerable development. In that the development will now be flood free it is considered that the proposals meet the key tests set down in paragraph 13.4.1. of Planning Policy Wales in that the development does not increase the risk of flooding elsewhere and does not increase the problem of surface water runoff.

The site has the potential to initially deliver up to 440 residential units along with the school. According to the applicant these would be delivered at a rate of 80 units a year which would result in the provision of 400 units within the five year time horizon with the balance of the site to follow. Whilst housing delivery and affordable housing delivery has consistently improved since 2011 when the LDP was adopted, with the exception of a slight fall in the most recent year, it has not kept pace with the requirements of the plan itself. As a result of the under build in comparison to plan

targets and the residual method of measurement the Council is now in a position where it will have to deliver a further 8472 units by 2021 which equates to 2824 units per year over the next three years to meet plan targets. Under current requirements the site is capable of delivering a substantial amount of housing contributing to reducing the shortage but not eliminating it. Whilst the LDP is performing well with regard to most of its targets, particularly so in the southern strategy area that situation does not apply to the delivery of housing itself where the Annual Monitoring Report now acknowledges that targets on housing delivery cannot not be met without further intervention.

The application currently under consideration would deliver a net developable density of 30 dwellings per hectare which slightly exceeds the planning policy requirement of 35 dwellings per hectare.

The site was previously assessed under the candidate site selection process for the LDP and was rejected due to constraints relating to access, flooding and ecology. The last planning application (15/1295) addressed a smaller site than that originally promoted for the LDP which dealt with the ecological issues. The construction of the Church Village bypass addressed the access issue. The last planning application (15/1295) and the subsequent call in and public inquiry found that the only policy issue where any doubt remained was that relating to flood risk and it was on this basis only that the last application was found to be unacceptable. This application addresses that shortcoming and the issue of flood risk policy is addressed above and no built development, including the school is now proposed to be built on C2 floodplain.

In terms of protection of mineral resources in the area, the applicants correctly point out that reserves beneath the site are already sterilized by buffer zones around existing residential development, even though the net effect of allowing this development would be to sterilise additional resources to the south. Given the existence of the bypass, the topography of the site and the actual extent of reserves this does not represent defensible grounds for objection to the proposals.

Regarding the education issue, it is correct that sites allocated within the LDP have included their own school provision but these were specifically to meet the need out of growth that would result from the implementation of the plan itself. Education demand in the area is known to be high and neither of the schools referenced by the objectors have as yet been delivered so the inclusion of a school within the proposed development is to be welcomed.

The consequence of low housing land supply is that greenfield and brownfield sites both inside and outside of settlement limits could come forward for consideration for development. There are no rules against the submission of speculative planning applications and Members are advised that this site retains strong sustainability credentials and given the housing land supply situation and the fact that the site has previously been recognised by a planning inspector as performing well against many other material considerations are facts that weigh in favour of the current proposals.

Whilst one of the aims of the LDP is to reduce out-commuting, this is to be achieved by promoting local employment and commercial development, not by stifling residential development. Cardiff is recognised as a regional hub of employment across South East Wales and is a good source of income for Rhondda Cynon Taf residents.

Some residents have raised the issue of the loss of good quality agricultural land being contrary to policy. The current policy requirement is that agricultural land classified 3a or above should where possible be protected. In this case it has been established that approximately 5% of the gross site area is categorized class 3a agricultural land the balance is of a lower classification. Reference to the updated agricultural land classification survey provided by the applicants also demonstrates that this is not only a small percentage of the site itself but it is also fragmented and distributed in small parcels around the site and as such its protection would be regarded as impractical or even undesirable in such circumstances and Members are advised that this would not represent a sustainable reason for refusal of the current submission.

The Council has developed supplementary planning guidance in respect of employment skills training to help address the level of wordlessness and low skill base within the County Borough. In addressing this issues it is therefore necessary that when proposals such as this one are presented for the consideration of Members that the opportunity is taken to improve that situation. As such if members are minded to support the application it is also recommended that the requirement to agree a skills training plan be incorporated into any accompanying Section 106 agreement.

## **Sustainability**

In determining the previous application subject of call in and public inquiry, the inspector at paragraph 151 of his conclusions stated, *“whilst outside of the settlement boundary, nonetheless the site lies in a sustainable location in terms of access to services, amenities and public transport, and would not cause unacceptable harm to its surroundings,. The proposals would provide for much needed housing , including a significant number of affordable units, in an area where there is a significant deficit in terms of housing land supply, and a new primary school that would serve not only residents of the site but also the wider area”*. This fundamentally remains the case. In the issue of sustainability residents have also indicated that brownfield sites should come forward ahead of greenfield sites such as the application site. However the local planning Authority cannot dictate to the market in this way and the constraints that are often associated with brownfield land are often what leads to sites of this kind coming forward.

## **Flooding issues**

Most of the commentary submitted by objectors that relates to flooding concentrates on compliance with the planning policy aspects of flooding and not the technical side of the matter, policy issues are dealt with above. Some residents were aware of the fact that the approach taken by the developer on this occasion is such that none of the highly vulnerable development now proposed would take place in the floodplain and none of it would be reliant upon any mitigation works. Thus the proposals are compliant with policy on the flooding and flood risk issue.

From a technical perspective, the application is supported with a Flood Consequences Assessment, Water Framework Directive Assessment and a Drainage Strategy. Having reviewed the supporting information Natural Resources Wales (NRW), though raising “significant concerns” in respect of the proposed development have not raised an objection and they have also set out a series of conditions that they would expect to see applied to any consent that might be issued relating to the residential development of the site, in essence their response is to raise no objections subject to conditions. It is accepted by all parties that housing is for the purposes and definitions of TAN 15 considered highly vulnerable development. None of the housing, school or ancillary development proposed by this application and shown on the masterplan would be within zone C2 floodplain, though small lengths of internal access road would remain within the floodplain pre mitigation. The issue is therefore whether or not the roads (regardless of the fact that they would serve highly vulnerable development), are in themselves highly vulnerable development. TAN 15 Development and Flood Risk, is silent as to what category access and service roads for any form of development would fall, however, inasmuch as the TAN 15 allows less vulnerable forms of development, (general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks for example), within areas that are vulnerable to flooding (which would in themselves require the provision of access and service roads), strongly suggests that it would be inappropriate to consider roads in their own right highly vulnerable development. The FCA submitted with this application, clearly demonstrates that the consequences of flooding, can be managed to acceptable levels in that the houses, school and other use buildings, themselves would not flood in any scenario and the access roads and cycle routes though vulnerable to a limited amount of flooding, would only be to acceptable depths and velocities of water.

It is also notable that following the implementation of the mitigation works that all flood risk will be confined to the central corridor within no highly vulnerable development is proposed, i.e. all internal access roads and cycle/footways will be flood free in all circumstances. As with the earlier application, the mitigation works would also deliver benefits upstream and downstream from the site boundary.

### **Social and physical infrastructure**



Despite the claims made by objectors to the proposals Dwr Cymru Welsh Water have considered the issue of water supply and disposal and subject to conditions have not raised any concerns with regard to either issue in their consultation responses.

Regarding the issues surrounding the provision of health services in the area, Members are advised that the University Health Board have been consulted in respect of the current proposals and the full extent of their response is reported above. It is clear from the response that they are fully aware of the situation with regard to healthcare provision in the locality in terms of primary care services and the local hospitals. The University Health Board are not objecting to the proposals and are working with other parties towards resolving issues with regard to health care provision in the locality.

To suggest that the last planning application was rejected for any reason other than the situation regarding flooding and particularly planning policy with regard to flooding is simply inaccurate.

Having given consideration to the proposed development the Education and Inclusion Service advise as follows –

The primary schools which currently serve the catchment area have levels of surplus capacity less than the Welsh Governments recommended level of 10% to allow for flexibility for in year movement. There are also the potential housing developments that are currently being progressed in the vicinity of these schools that will inevitably take up any spare capacity within them. A new primary school is needed to accommodate the new school places that would be generated by this development.

The size of primary school required to cater for this and other local developments in the immediate area is a school of 240 total pupil places including nursery places. However, if a second phase to this development and other potential developments in the area come forward then the school would need to retain the capacity to expand to 360 spaces.

In conclusion, the requirement is that suitable land be allocated within the development site boundary for the construction of a new primary school to comply with BB99 it is anticipated that the school will be constructed by the Council through in part, income generated by CIL. In addition further discussion with the developer pertaining to site design would be welcome before that is finalised.

No secondary school provision is required as sufficient capacity exists to accommodate the number of pupils the site would generate.

The transfer of the land for the building of the school to the Council can be secured through the Section 106 agreement (see below) and the expectation is that construction costs will be met in part through Community Infrastructure levy contributions.

On the issue of play area provision if Members are minded to support the current planning application then the requirement will be that the developer makes on site

provision in accordance with adopted Supplementary Planning Guidance – Planning Obligations.

## **Highways and transportation issues**

Members will note that the current application has been submitted with the support of a Transport Assessment and position statement. It is notable that though the number of dwellings proposed has been reduced which would also reduce the consequential impact on the highway infrastructure, the proposed mitigation measures have been enhanced to incorporate a pedestrian controlled puffin crossing in place of the previously proposed zebra crossing at Crown Hill to the south of Aspen Way. The Transport Assessment and position statement effectively updated the information that was provided in respect of the last planning application (15/1285). In considering the detail submitted the Transportation Section have had regard to –

- Traffic survey data
- Trip rate and trip generation figures
- Traffic growth
- Committed development.
- Assessment years traffic flows
- Percentage impact assessment
- Junction analysis
- Collision analysis
- Site access and connectivity
- Pedestrian controlled puffin crossing at Crown Hill
- Emergency access and pedestrian link footway Vision splays
- Internal estate roads
- Parking provision
- Active travel/safe routes in communities
- Public transport
- Road safety audit
- Committed sums for works requiring additional highway maintenance
- Travel plan

The updated transport assessment shows that the proposed development would not have an adverse impact on the local and wider highway network and the required highway improvements will and can be provided through the development itself or through the Community Infrastructure Levy. The submitted drawings illustrate the required off site highway improvements , and their general lack of engineering detail will require that appropriate conditions be attached to any consent issued if Members are of a mind to support this application. The Transportation Section are concerned that the land required to provide pedestrian and cycle facilities together with the emergency access route to the B4595 lie outside of the red line boundary and the fact that it has not yet been established that the proposals lie within highway land , however this issue can be adequately addressed through the use of a Grampian condition to secure the provision of these improvements in an appropriate and timely manner. As such concerns in respect of highway capacity and congestion have been addressed and the impacts of the proposed development are demonstrated to be within tolerable limits. As far as parking is concerned, then this is a matter of detail

that is more appropriately dealt with at the reserved matters stage should consent be forthcoming for the current submission.

As far as Public Rights of Way are concerned Members should first note the comments of the public rights of way officer above who is satisfied that the footpaths through the site can be managed and maintained through the development process. There has been some comment at the effect of other development on the community route. The current masterplan is clear in its intent to ensure that rights of way through the site will be maintained. In terms of protecting the footpaths and community route from excess vehicular traffic resulting from the proposed development this would be covered by the requirement for a construction management plan under condition of any consent granted. Reference is also made by some residents that the existing gated arrangement is currently abused and allowing development would only exacerbate the situation, however no evidence is produced to support this view. Further with appropriate design securing greater surveillance of this facility than at present there is the potential for this problem to lessen considerably.

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

The impact of the proposed development on the character and appearance of the area is difficult to fully evaluate at the outline application stage as the acceptability or otherwise of any proposal in this context will often depend on detailing. However, and in addition to the sustainability credentials of the proposal, there is merit in the proposal as it is contiguous with the existing built form of Llantwit Fardre and with appropriate detailing it has the potential to become a sympathetic extension of the village. Whether or not it could become a coherent addition to the village will though depend on detailing and developing the physical relationship between the proposed development and existing homes. In this the proposed masterplan is helpful providing a clear indication of the location of proposed street frontages key buildings and access routes into and through the site by various means in as far as it can at this stage given that in the first phase development is driven by the need to appropriately address the flooding issue. Similarly the applicants have been able to demonstrate through the masterplan a density of development that meets the net policy requirement of 35 dwellings per hectare underlining that the proposals could make a meaningful contribution to the housing land supply for the area whilst at the same time ameliorating the concerns expressed by residents at the visual impact of the proposed development. However key to ensuring that this works is the requirement to agree finished levels for the site relative to established property and if members are minded to support the current application then a suitable condition would be appropriate to control this issue.

A number of residents make the point that the development would add a level of development compatible with the size of Efail Isaf to Llantwit Fardre adding substantially to the overall population. The point is not entirely unfounded as a relatively large influx of people over a relatively short period of time has the potential to prove disruptive to social cohesion. However, this would not of itself prove sufficient grounds to refuse a planning application.

There has been some comment to the effect that the character of the public rights of way through the site will be irreversibly damaged by the development of the site and that the passive enjoyment of open space that the footpaths facilitate would also be lost. This though would be an inevitable consequence of developing any area of ground through which a right of way passes and in light of the overall landscape and visual impact of the proposal which is considered below, this would not support the refusal of this application.

The landscape and visual impact of the proposed development have been the subject of an initial detailed study and subsequent addendum for this updated planning application by Soltys Brewster on behalf of the applicants and the study concludes that overall the site does not result in significant effects on the baseline landscape and visual characteristics, with the exception of close views dominated by the site which has a moderate-major significance of visual effect. Even in the worst case scenario, the rural urban fringe context, field pattern, wider landscape setting and landscape network of hedgerows and trees are retained and the development would be viewed within the existing landscape context as an extension of Llantwit Fardre resulting in an overall neutral effect. The study has used established and accepted methodology and best practice in arriving at this conclusion and the Council's Landscape Architect accepts the overall report findings as robust but identifies a need to establish appropriate detailed landscaping for the site alongside the applicants submitted green infrastructure plan and landscape framework plan through the imposition of appropriate planning conditions to underpin this and ensure that the impacts of the proposed development on the character and appearance of the area remain acceptable.

As with the last planning application, some residents have raised the issue that the area generally suffers from a lack of recreational facilities, one citing a lack of provision on other Llanmoor sites, and that allowing the further development of this site would only serve to exacerbate this situation. This however ignores what the development could potentially deliver besides housing. The creation of the undeveloped central area facilitated by mitigation works at the site will open that currently enclosed area up as informal public open space, within which the applicant will also be providing formal play areas. Furthermore the provision of a school on site will also mean the recreation facilities that would be required by a new primary school would also be provided and the Education Department have indicated these facilities would be dual use, available for the public outside of school hours.

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

Given that this is an outline planning application it is difficult to assess what the full impact of the development on residential amenity or privacy would be. However the revised masterplan that accompanies the current application and the building envelopes that it envisages strongly suggest, as before, that the site could be developed in a manner where the impact of the proposals on existing dwellings would be acceptable, particularly as the site is well defined with strong natural and physical boundaries, which the initial phase of development would take place well inside of. This would inevitably result in the maintenance of good distances between any existing and proposed development. Similarly, the masterplan indicates that the site could be developed in a manner where the levels and distances between homes

would demonstrate levels of amenity and privacy not dissimilar to those already established in the newer residential areas of Llantwit Fardre immediately adjacent to the site which as such would make them acceptable.

In addressing the issue of residential amenity in terms of the existing housing and that proposed, it is important to consider not only the Air Quality Assessment (AQA) itself but also to consider its findings in conjunction with those of the Transport Assessment and associated Addendum. (which has itself informed the AQA), along with conditions that might be applied if Members are minded to support the resubmitted planning application.

The overall findings of the AQA remains that the effects of the development will be significant for a temporary period of time (i.e. the development phase), and not significant thereafter. Taking into account the mitigation proposed and the residual air quality impacts of the proposed development these are considered to be not significant. Public Health Wales accept that medium and long term impacts will remain acceptable and conclude that predicted road traffic impacts by 2022 will be compliant with air quality objectives. Consequently it is the short term impacts of the proposed development that need to be addressed and mitigated for.

In the issue of the Air Quality Management Area (AQMA), Members are advised that the land subject of this planning application lies entirely outside of it. The AQMA was designated some time ago reflecting the heavily trafficked former route of the A473 between Tonteg and Beddau. The creation of the bypass has addressed this situation.

The AQA assumes a seven year build out period with 14% of traffic present by 2019. Increasing to 43% by 2021 and 100% by 2024 these figures clearly relate to the expected level of traffic generated at points in the build out of the site.

Other than the typical ground preparation and earthworks associated with the proposed development no particular or unique works are proposed as this would be a housing development on a greenfield site. In such circumstances the normal course of events, should Members resolve to support the current application, would be to apply a condition requiring the submission of a construction method statement to any consent that might be issued. In addition to the application of such a condition the developer would also be obliged to comply with other statutory pollution control and prevention measures and conditions required by the Public Health and Protection Division independent of the requirements of any planning condition. In short, no out of the ordinary works would be proposed that either haven't been or couldn't be effectively regulated by condition or good working practices.

The AQA as updated should not be read in isolation as it draws on the findings of the Transport Assessment and Addendum which informs much of the information contained in the baseline data.

The transport assessment and addendum confirms that the Council have provided the applicants with details of all relevant committed sites in the vicinity of the application site itself and that the committed traffic flows from those developments have been taken into account. Additionally the scope of the traffic assessment was

the subject of discussion between the applicant's agent and the Transportation Section prior to the initial submission being written and following the revision in the proposals. The issue of traffic growth has also been fully accounted for as future potential development in the vicinity of the site has been factored in and assessed. Furthermore, a condition requiring the developer to provide the occupier of each new dwelling with a travel plan/welcome pack will also have the effect of securing a reduction in the volume of trips made by private cars which will also clearly have air quality benefits.

In that the principal concerns in respect of air quality relate to the effects of building the site out and the control of development through that process, Members are advised that conventionally these are matters that can be adequately controlled through the application of standard planning conditions such as those controlling the hours of operation and construction management plans.

Given the above it is reasonable to conclude that the issues raised by Public Health Wales are not new and have been properly accounted for and that the air quality impacts of the proposed development, which are only short term, can be adequately addressed through the imposition of standard planning conditions.

### **Ecology and the natural environment**

The impact of the proposed development on the ecology of the area and natural environment remains a substantial material planning consideration and source of concern for the public, particularly with regard to protected species that are known to inhabit the locality and the application site lying adjacent to a Site of Interest for Nature Conservation.

In responding as the Council's advisor on ecological matters Natural Resources Wales (NRW), note that conditions on site are largely consistent with what was previously established in the 2015 report and have indicated that they are satisfied with the information provided in respect of bats. NRW understand that in the course of development existing bat roosts will be lost and before that can take place the developer will need to seek and gain a licence from them to undertake such works. The mitigation strategy outlined by the applicants is considered acceptable and this detail will need to be included as part of any licence application. They do not consider that the proposed development is likely to be detrimental to the maintenance of the population of pipistrelle bats at a favourable conservation status and this can be addressed through the imposition of a suitable condition on any consent that might be issued.

Similarly with regard to the issue of dormice and otter Natural Resources Wales express satisfaction with the findings and recommendations of the ecological appraisal and addendum that accompanies the current application. No evidence of the presence of dormice or otter within the application site is established and the intention to consider these species in the development of the site given their known presence in close proximity to it is welcomed. NRW take the view that suitable

measures to ensure the conservation of otter and the appropriate consideration of dormice can be achieved through the imposition of appropriate planning conditions. As mentioned above, the SINC status of the site relates to issues of ecology that centre on the watercourse and it is clear that in the long term both NRW and the Council's own ecologist are satisfied that biodiversity in the area can be maintained.

The detail submitted in support of the proposals also established that the impact of the proposed development on the Llantwit Fardre west SINC and the Llantwit Fardre Marsh SINC can be managed appropriately through the course of the development of the site and afterwards. The stream corridor are key habitat features within the site and the impacts of development in and around them will have impacts in terms of habitat disturbance, littering, predation and light disturbance. The agreement of a long term habitat management plan for and focussed on the stream corridor is necessary as it will mitigate the long term impacts of the development on these key features.

#### **Other Issues:**

The following other material considerations and other issues have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

The development of this site would not lead to the coalescence of settlements given the location of established green wedges and special landscape areas that immediately surround the application site.

There is no legislative provision for a ban on the resubmission of planning applications following refusal of permission or dismissal by a Minister. The applicants have the right to reapply for planning permission. In any event, the material differences between the current proposals and those which were rejected need to be subject to further consideration.

Whether or not the potential ending of European subsidies is driving the sale of farmland, is not an issue that is relevant to the consideration of the suitability of the site for residential development in planning terms.

Claims by objectors over the "destruction of their quality of life" though clearly emotive are not backed by any evidence whatsoever that this would indeed be the case and therefore can be given no weight in the determination of this planning application.

The application site is not open space it is currently a farmstead (though Public Rights of Way do cross the land), What is proposed is a conventional housing development proposing a mix of house types and tenures. No evidence whatsoever is offered to support the claim that allowing the development would lead to ghettoisation, or that the development of the site would lead to social problems.

Similarly no evidence is offered by objectors to substantiate the claim that the development would amount to a blight on the landscape; as an outline application matters of detail would in any event be subject to later approval if the current planning application receives consent.

The power imbalance between developers and objectors (whether real or merely perceived), and the feelings it might lead to are not material planning considerations.

How well objectors might understand the differences between the current proposals and those which were previously rejected with regard to the flooding issue in particular is fundamentally a matter for the individuals concerned.

Whilst the proposal would deliver a development similar in size to Efail Isaf, unlike Efail Isaf, provision will be made within the proposals for a school to be built and for the provision of other commercial development. The development would also adjoin Llantwit Fardre which also means that it would be less isolated than Efail Isaf, and these factors would both aid community cohesion. Whilst a community fund may be welcome, it would lie beyond what could be required through the planning process.

What community facilities the Council may or may not bring to the site is speculation and the uncertainty over the leasing of the existing community centre are not material planning considerations that could influence the determination of the current planning application.

Allowing the development would not set a precedent for other applications coming forward as each application is dealt with on its own individual merits. Infrastructure and services are considered within the remit of the current application and despite the views expressed by many residents have not been found to be wanting.

Claims made by objectors over the alleged adverse impact on the long term wellbeing of existing residents are vague in that they have no terms of reference and unsupported by any evidence.

The impact of the proposed development on local property values is not a material planning consideration.

Proposals for the development of adjacent land might have been resisted in the past but each application has to be considered on its own merit and against prevailing circumstances at that time.

House prices are a matter for the developer and the market rather than the planning process.

There is no indication within the current planning application that there would be any encroachment on to any adjacent property.

The application has been advertised accurately and in accordance with statutory requirements.



The development site is not greenbelt land neither is it a green wedge or within a special landscape area.

Members will note that none of the highly vulnerable development would occur on the floodplain and insurance would be a matter for the occupants/developer/insurers rather than the planning process.

The social housing mix that the proposed development is expected to provide is a product of demand in the locality. Historically and on any number of sites within the County Borough, there is no evidence whatsoever that such provision creates social instability or leads to increases in crime. Whether or not people decide to spend their "hard earned cash" in those circumstances is of course a personal decision.

The Cwm Coke works has the benefit of outline planning permission. There are clearly a number of constraints to the development of that site that have delayed it coming forward for development. However the housing land supply situation demands a response and the current application would be a valuable element of that.

Loss of view is not a valid material planning consideration.

There is a suggestion that allowing the development would ruin the look of the area but no substantive evidence is offered to suggest how or why this would necessarily be the case.

Matters relating to contamination have been the subject of preliminary assessment and subject to further investigation and remediation works as would be required by condition of consent the proposal is considered acceptable in this regard.

Though further residential development in the valley areas would be welcome it cannot be forced through as an alternative to developing this site and would not form a basis for refusing this application.

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is CIL liable under the CIL Regulations 2010 (as amended).

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

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

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

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

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- 1. 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.

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

- Ecology – the delivery of a long term habitat management plan
- Affordable housing – the provision of 20% of the dwellings as affordable housing in accordance with the recommendations of housing strategy as detailed above
- Recreation – the provision of on site play areas in accordance with the requirements of Supplementary Planning Guidance on Planning Obligations.
- Education – the transfer of land within the site to the Council for the provision of a primary school.
- The agreement of an employment skill training plan.

### **Conclusion**

In considering the determination of the current planning application due regard needs to be taken of the conclusions of the planning inspector in his deliberations on planning application 15/1295 where he determined that –

*“Whilst outside of the settlement boundary, nonetheless the site lies in a sustainable location in terms of access to services, amenities and public transport, and would not cause unacceptable harm to its surroundings. The proposal would provide for much needed housing, including a significant number of affordable units, in an area where*

*there is a significant deficit in terms of housing land supply and a new primary school that would serve not only residents of the site but also the wider area. These matters all weigh in favour of the development.”*

The inspectors only ground for rejecting application 15/1295 was that it did not meet the requirements of planning policy set out in respect of flooding and particular regard was taken of the requirements of TAN 15 development and flood risk. The approach taken with the current application resolves that policy objection.

The other substantive difference between the current proposals and the earlier application lies with planning policy in respect of housing land supply. Whilst not as rigorously enforced as it previously was it remains a matter that the Council as Local Planning Authority must have regard to and in this instance given the continued failure to maintain a five year housing land supply, officers remain of the view that substantial weight still needs to be given to this issue.

Inevitably major applications like the current submission can raise a number of complex and sometimes contradictory issues, in this case though officers take the view that despite the site lying outside of settlement limits, the proposed development is otherwise compliant with planning policy requirements and is also acceptable in terms of all other material considerations, particularly sustainability, flooding, impact on the landscape, amenity, character and appearance of the area and that there are no adverse impacts of any substance on the highway network.

Members are advised that the proposed development will require referral to the Welsh Government under the requirements of The Town and Country Planning (Notification) Wales) Order 2012 as it represents significant residential development (defined as a development of more than 150 residential units or with a site area exceeding 6 hectares) which is a departure from the adopted Local Development Plan.

**RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. (a) Approval of the details of the layout, scale, appearance of the buildings and 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 the 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 which shall be in demonstrable broad accord with the plans identified as approved in condition 2 below, 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 insofar as phase 1 is concerned before the expiration of two years from the date of

this permission and insofar any further phase of development is concerned before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 3 years from the date of this permission, or (ii) the expiration of 1 year from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. Other than as might be altered by subsequent conditions of this consent the consent hereby granted relates to the following plans –

- Site Location Plan drawing no. 1250/SP/01
- Topographic Survey – revision 2 drawing no. LD2701-01B
- Stage 1 Masterplan prepared by the Urbanists dated 050618
- Proposed right turn ghost island drawing no. W141313/A/01 Rev E
- Proposed emergency access drawing no. W141313/B/01 Rev C
- Preliminary green infrastructure plan drawing no. 1461001/GA/01

Reason: For the avoidance of doubt as to the approved plans.

3. No development other than any works of demolition, site clearance, site remediation or site improvement details shall commence until all matters relating to flood risk management, including full drainage details, have been submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that drainage from the development does not cause or exacerbate any adverse conditions on site or to adjoining properties, the environment and existing infrastructure arising from inadequate drainage.

4. The development hereby approved shall be carried out in accordance with the mitigation measures outlined in the submitted Water Framework Directive.

Reason: to protect the water environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. The development hereby approved shall be carried out entirely in accordance with the recommendations and mitigation proposals described in the flood consequences assessment prepared by JBA consulting dated July 2018.

Reason: To prevent flooding through ensuring the satisfactory storage of flood water in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until a species, habitat and tree/hedgerow protection plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include –
- a) An appropriate scale plan showing species, habitat and tree/hedgerow protection zones where construction activities are restricted and protective measures will be installed or implemented.
  - b) Details of protective measures (other physical measures and sensitive working practices) to avoid impacts during construction.
  - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed.
  - d) Details of specific species and habitat mitigation measures for key species (including bats, birds, badgers, otters and reptiles)
  - e) Details of tree and hedgerow protection measures, and any required tree or hedgerow management works.

All construction activities shall be carried out in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining and enhancing biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until an ecological, hedgerow/tree and landscape mitigation and management plan has been submitted to and approved in writing by the Local Planning Authority; the plan shall include details of –
- i) Purpose, aim and objectives of the scheme.
  - ii) A review of the plans ecological and landscape potential and constraints.
  - iii) Details of:
    - a) species composition of hedgerow and woodland planting, and grass seeding;

- b) Source of material (all native planting to be of certified British provenance);
- c) techniques and methods of habitat and vegetation establishment including wetland, grassland and woodland;
- d) stream enhancement measures;
- e) pre-occupation management of hedgerows and trees, and details of information regarding hedgerow management for new residents with hedgerow boundaries.
- f) method statement for site preparation;
- g) extent and location of proposed works;
- h) aftercare;
- i) personnel responsible for the work;
- j) timing of works;
- k) monitoring; and,
- l) 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: In the interests of maintaining and enhancing biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. No development other than works of demolition or site clearance shall commence until a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority.

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

9. In relation to each phase of development , prior to the occupation of any phase of the development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification report and for the reporting of this to the Local Planning Authority.

Reason: In the interests of health and safety, and environmental amenity

and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long term monitoring and maintenance plan shall be submitted to and agreed in writing with the Local Planning Authority as set out in the plan. On completion of the monitoring program a final report demonstrating that all long term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and agreed in writing with the Local Planning Authority.

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

11. If during development contamination not previously identified is found to be present at the site then no further development (other than any carried out with the agreement of the Local Planning Authority) shall be carried out until the developer has submitted and received written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how the unsuspected contamination will be dealt with.

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

12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters, the development shall be carried out in accordance with approved details.

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

13. Any reserved matters application shall be accompanied by an updated bat survey of buildings and trees to be removed to facilitate the development.

Reason: In the interests of maintaining and enhancing biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

14. Before the submission of reserved matters for any phase of development, a detailed site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently

detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimize any damage which might arise as a result of ground conditions. The development hereby permitted shall be carried out in accordance with the approved site investigation report.

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

15. Foul and surface water discharges shall be drained separately from the Site.

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

16. In relation to each phase of development hereby approved, no development other than works of demolition, site clearance site remediation or site improvement, shall commence until a drainage scheme for that phase of development has been submitted to and agreed in writing with the Local Planning Authority. The scheme(s) shall be implemented in accordance with the approved details prior to the occupation of that phase of development unless the Local Planning Authority gives its written consent to any scheme of variation. No further foul water, surface water and land drainage will be allowed to connect to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of residents and prevent pollution of the environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local development Plan.

17. No development shall commence on site until the pedestrian and cycle access facilities together with off-site works to create the emergency access linking the site to the B4595 have been submitted to and approved in writing by the Local; Planning Authority. The approved scheme shall be implemented prior to any works commencing on site.

Reason: To ensure delivery of off-site improvements in the interests of highway safety.

18. No works whatsoever shall commence on site until a Traffic Regulation Order(TRO) in respect of the changes to the existing speed limit between the emergency access and the B4595 has completed unless otherwise



agreed in writing by the Local Planning Authority.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety.

19. No works shall commence on site, other than any works of demolition, site clearance, site remediation or site improvement, until full engineering design and details for the off-site highway improvements and mitigation works at Crown Hill and the A473 roundabout, right turning lane and access to the development incorporating uncontrolled pedestrian crossing facilities, puffin crossing near the junction of Crown Hill and Aspen Way and Bus stop facilities at Crown Hill have been submitted for approval and a Road Safety Audit Report with the Designers response has been submitted to and approved and implemented. These proposals shall be in accordance with the current highway design requirements.

Reason: In the interests of highway and pedestrian safety and free flow of traffic.

20. Notwithstanding the submitted plans, no work shall not commence on site other than works of site clearance, site remediation and site improvement, until full engineering design and details of the internal road layout including sections, street lighting, highway structures, traffic management measures, turning facilities, shared pedestrian cycle facilities, footways, link footpaths and highway surface-water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of the safety of all highway users.

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

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety.

22. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

23. No development shall take place, including any works of site clearance,

until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access to and egress from the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) The sheeting of lorries leaving the site.
- h) a scheme to treat and remove suspended solids from surface water runoff during construction works
- i) the suppression of dust.
- j) Details of plant and equipment.
- k) Methods and types of ground compaction.
- l) Mitigation measures for the control of noise.
- m) Location of site compounds.
- n) Use of artificial lighting

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.

24. 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;
- e) Sustainability voucher; and
- f) Any other measures that would encourage use of sustainable modes of travel.

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

25. No development on any phase of development hereby approved shall take place until a written scheme of targeted historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the programme of work will be fully carried out in accordance

with the requirements and standards of the written scheme.

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

26. No development shall take place until details of an invasive plant control and eradication scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining and enhancing biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

27. Prior to the commencement of any phase of development details of existing and proposed sections and levels of that phase of development shall be submitted to and approved by the Local Planning Authority. The development approved shall be carried out in accordance with the agreed details.

Reason: In the interests of amenity and good design in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

28. Prior to commencement of the development within phase 1, the developer shall provide a detailed construction specification, including noise mitigation properties, so as to achieve noise levels in private external amenity areas in compliance with BS8233:2014 of 55db(A) T or below. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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