



PLANNING & DEVELOPMENT COMMITTEE

3 OCTOBER 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1290/10 (GD)
APPLICANT: Hafod Housing Association & Engie
DEVELOPMENT: Development of 34 affordable residential dwellings, car parking, landscaping and associated works at land north of the A473, Heol Creigiau, Llantwit Fardre
LOCATION: LAND NORTH OF A473, HEOL CREIGIAU, LLANTWIT FARDRE
DATE REGISTERED: 23/11/2018
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: Approve

REASONS:

Though the application site lies outside of settlement limits where new residential development is not normally allowed, in this instance it is considered the proposed development represents an acceptance to the requirement. This is because the proposal provides a rare opportunity to deliver a substantial amount of social housing in an area of high demand where private development has not delivered social housing at a rate that meets the demand from local people. Following a full and balanced consideration of all policy relevant to the proposed development and all relevant material planning considerations, the proposals are considered acceptable.

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

Full planning permission is sought for the construction of 34 affordable homes on an irregularly shaped parcel of land located north of the A473 by pass road, east of Heol Creigiau and south of Heol Dowlais.

The development would bring forward a variety of house types as follows –

- 10no. 2 person one bedroom walk up flats (two different designs, 2 storey)
- 4no. 3 person 2 bedroom bungalows (1 storey).
- 14no. 4 person 2 bedroom Holt House type (2 storey)
- 4no. 5 person 3 bedroom Thetford House Type (2.5 storey)
- 2no. 7 person 4 bedroom Bedgebury house type (2.5 storey).

As the development will be developed entirely as affordable housing for a registered social housing provider, all dwellings will be built to meet the Welsh Government's Design Quality Requirements. All of the houses will be semi-detached properties, as will the proposed bungalows. The flats will be detached units of two other than for plots 31-34 which will be built as a semidetached block of four flats over two storeys. The development will be completed in combinations of facing brick and substitute stone to the walls with a grey substitute slate to the roof. Fascias will be in white uPVC as will the windows. Rainwater goods will be in black uPVC.

The public facing areas of the proposed development with the exception of the central communal garden are largely taken up with car parking provision with private space located to the rear of the properties in the form of gardens laid to lawn and patio areas. Frontages would be open plan whilst the boundaries at the rear will be enclosed either by fencing or by the well-established hedgerow that forms the current site boundaries.

Access to the site will be derived from a single access point located on the Heol Dowlais frontage of the site, approximately 18m from the site boundary with the bungalow at 56 Heol Dowlais. The access road into the site forms a cul de sac arrangement with a centrally located loop around a communal garden. The majority of the properties would have direct access on to the estate road, though nine would be serviced from private drives off the main cul de sac access. A total of 62no. off street parking spaces will be provided with all properties benefitting from an appropriate allocation; e.g. the Bedgebury house types would be allocated a minimum of 3no parking spaces whilst the single bedroom flats would only have 1no. allocated space.

The southernmost part of the site would be developed as a settlement/attenuation pond designed to accommodate the storm drainage of the proposed development.

The application is accompanied by the following:

- Planning Design and Access Statement.
- Ecology Assessment
- Transport Statement
- Pre Application Consultation Report
- Noise Assessment
- Drainage Strategy
- Ground Investigation report
- Flood Assessment
- Tree Survey; and,
- Tree Constraints Plan

SITE APPRAISAL

The application site comprises an irregularly shaped parcel of land of some 0.87 hectare located to the north of the A473 Church Village bypass road. The site is otherwise bounded by Heol Creigiau to the west and Heol Dowlais to the north with no. 56 Heol Dowlais on its eastern boundary. The site is a grazed field with a natural shallow fall from northeast to southwest. The site boundaries are well defined by mature hedgerow for the greater part though on parts of the western boundary it is quite sparse in places.

In the area of the application site both Heol Dowlais and Heol Creigiau form cul de sacs as a consequence of the construction of the by-pass road and historically would have had a closer association with Efail Isaf. Other than for the properties already established at Cwrt Isaf, Heol Dowlais and Heol Creigiau, the site is detached from the wider residential area not least by the Nant Dowlais stream that lies to the west of the site beyond Crown Hill and open ground. The wider area to the north west of the site is overwhelmingly residential in character with a local pub/restaurant and community centre also in the area.

PLANNING HISTORY

17/5103	Pre application advice, residential development	Permission required	21 st March 2018
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09/0564	Certificate	of	Appropriate	Alternative	Refused	10 th July
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	Development - residential		2009
09/0563	Certificate of Appropriate Development - residential	Alternative	Refused 9 th July 2009
09/0560	Certificate of Appropriate Development - residential	Alternative	Refused 10 th July 2009
08/1362	Construction of Church Village bypass (additional details and amendments to proposals as a result of feedback from a consultation exercise received 4 th November 2008)		Approved 9 th January 2009
08/0234	Application to vary conditions 11,17,23,28,30,32,34,36,37,41,42,47,48 & 51 and to delete conditions 29 & 40 of planning permission 05/2222 (church Village bypass)		Approved 21 st April 2008
05/2222	Construction of Church Village bypass		Approved 6 th July 2006

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in the submission of 51 letters of objection and a 145 signature petition raising the following concerns.

Planning Policy & Sustainability

- The site was originally proposed for inclusion within the Local Development Plan and was rejected due to its countryside location, being unrelated to any pre-existing settlement, and its failure to comply with proposed policy CS8 – transportation. It also failed to comply with a raft of national policies outlined in Planning Policy Wales.
- The site is a greenfield site in open countryside and outside of settlement limits as defined by the Local Development Plan.
- The proposed development does not comply with Policy AW3 of the Local Development Plan as it exceeds the 30 dwelling threshold.
- The isolated nature of the proposed site and its inability to meet the demands of the Wellbeing of Future Generations (Wales) Act 2015 is concerning, particularly as the development would come forward on a completely unsustainable isolated site remote from basic services and infrastructure.

- The proposed development is contrary to paragraph 4.7 of the Local Development Plan
- The proposal contradict the Councils supplementary Planning Guidance on affordable housing which expresses a preference for on site provision of affordable housing to encourage mixed balanced and inclusive communities.
- Residents regard the proposals as unsustainable and that if allowed the development would increase rather than decrease car usage in particular given the location. They also dispute that the site is within walking distance of key services as claimed.
- If allowed the proposals would set a precedent for infilling all of the land between the existing settlement boundary and the A473 and agricultural land throughout the County Borough.
- The proposals are contrary to the current edition of Planning Policy Wales which at paragraph 4.1.29; “provision for active travel must be an essential component of development schemes and planning authorities must ensure that new developments are designed and integrated with existing settlements and networks in a way that makes active travel practical, safe and attractive choice.”
- Objectors also regard the proposals as being contrary to paragraphs 4.1.10; 4.1.11; 4.1.21; 4.1.27 and 4.1.30 of the current iteration of Planning Policy Wales.
- The land subject of the application is a green wedge the purpose of which is to protect the character of the area.
- As a major development, the proposal would be better suited and directed towards allocated sites identified by the Local Development Plan.
- The proposed development exceeds the density requirements prescribed in the Local Development Plan.
- The application site lies within a sandstone-safeguarding zone as defined in the Local Development Plan and developing the site would be contrary to policy AW14.

Procedural Issues

- The applicants have failed to comply with the requirements of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016 regarding pre application consultation particularly Section 2F(1), (B) &(C) and (2) (e), in that observations submitted by a member of the public at the pre application stage were omitted from the pre application consultation report.

Amenity, Character & Appearance Issues

- The few houses around the site are individual detached properties at low density, the proposed development would be of a different style, high density and increase the number of dwellings in the locality by over 300% which would be overpowering, overbalancing, at odds and out of keeping with the character, amenity and general feel of the area which in the view of residents is a rural fringe where lower densities should be achieved.
- The layout proposed indicates that much of the proposed development would overlook existing properties at closer than accepted norms some as close as 7.5m from the boundary, this would result in a loss of privacy and amenity to existing properties.
- The claim made in the design and access statement that the proposal would create a positive frontage in the existing settlement of Heol Dowlais whilst respecting the residential amenities of existing properties surrounding the site is rejected. Residents take the view this is proven in the density of the proposed development, the proximity of it to its boundaries and the overlooking of established gardens.
- Too many planning applications are being submitted within too small a geographic area to the detriment of current and future residents due to the deleterious impact it has on physical and social infrastructure.
- Residents are not convinced by the content of the noise survey submitted in support of the application, and indicate that noise levels will substantially increase in the locality
- A development of this type and size should only be brought forward when it can be blended with larger development to maintain a balance between social and private housing
- The difference in levels between existing property and that proposed would only serve to accentuate the level of overlooking that would result from the proposed development.

Highways & Access Issues

- Access to the site is constrained
- Residents are unconvinced by the traffic assessment submitted in support of the application.
- The proposal will have a detrimental impact of the strategic active travel network namely the Church Village Community Route/Route 4 of the National Cycle Network as the increased traffic generated by the proposed development would make the on road section between Heol Dowlais and The Ship Inn unsafe, without further mitigation which itself

could result in the route being withdrawn from the Active Travel Integrated network Map.

- The Welsh Government have advised Local Planning Authorities to emphasise the importance of active travel in planning decisions advising that they should “*ensure new developments are designed and integrated with existing settlements in a way that makes active travel practical and alternative choice.*” This proposal would result in significant detriment to an established route.
- Public transport infrastructure in the locality is too sparse to serve a development of the size proposed.
- The access road along Heol Dowlais is widely used by residents of the wider area to access walking and cycling opportunities along the Church Village community path. This along with increased numbers of residents will lead to increased congestion
- The creation of the junction onto Heol Dowlais will present a threat to the safety of people who use the road for recreational uses, particularly given the manner in which the road is used and the fact that it is an area of transition between community path and the highway network
- Consideration should be given to moving the site access to the most westerly corner boundary where the fronting road width is much greater which would in turn allow for a better active travel arrangement, (particularly for cyclists).
- Heol Dowlais is currently an informal parking area used by commuters car sharing and those using the community path for recreational reasons this community benefit would be lost if the development takes place.
- The use of the carriageway by various groups such as walkers and cyclists is a product of its safe nature and this would be lost with the development of the site presenting a threat to public safety.
- The development will increase and exacerbate the congestion already experienced in the area.
- The increase in houses would lead to increased traffic generation and a consequent increase in the risk of serious injury to locals.
- The existing access has poor visibility
- Visibility when pulling out from Heol Creigiau on to Crown Hill is very poor and has led to many near misses and 60 further potential road users will exacerbate this

Ecology & Landscape Issues

- The site contains an abundance of rare and protected habitats including hedgerows, lowland meadows, and purple moor grass and

rush pastures all of which are protected under section 7 of the Environment (Wales) Act 2016.

- The site also comprises habitat that can support bats, dormice, badgers, hedgehogs and polecats and these species benefit from statutory protection in their own right.
- The site is in close proximity to and has the ability to support the Marsh Fritillary butterfly habitat, which benefits from the highest level of legal protection nationally and internationally.
- The development would result in the loss of high value local habitat.
- The proposal sits within the Efail Isaf, Garth and Nantgarw western Slopes Special Landscape Area.
- The site contributes to the landscape barrier that separates the settlement of Llantwit Fardre from the A473.
- Given that the Council spent a considerable amount of money providing dormouse bridges during the construction of the bypass, allowing the development of this site with its associated habitat would appear a retrograde step.
- The development if allowed would have a deleterious impact on the local habitat through pet predation, increased air pollution from vehicles and light pollution
- The site is within yards of a designated nature reserve that would be adversely affected by the proposed development.
- Birds of prey regularly hunt on the application site.
- The impacts of the development on the aquatic environment need to be fully considered and need to include deterioration of aquatic ecosystems and their associated habitats.
- The site has recently been mowed in an attempt to reduce the ecological importance of the site.

Flooding & Land Drainage Issues

- The application form indicates that surface water will be drained to an existing watercourse, yet the submitted plan indicates that a settlement pond will be created in the southern part of the site that will in turn feed into a drainage ditch.
- The proposed pond is of insufficient size to cope with water drained from a flash flood which would overflow.
- 20% of the site would be left to drain naturally.
- No soakaway or water attenuation scheme is proposed and would generally be required on such a development.
- In warmer months, the settlement pond could become stagnant which would present its own problems such as vermin and insect infestation.

- The level of the pond is relatively high, the invert level sitting only 49mm below the level of the adjacent garden which is very tight tolerance given that the adjacent gardens are generally lower than the application site.
- If the pond banks were to break then adjacent gardens would be subject to flooding and other than the pond bank itself, there is no other flood defence that would protect adjacent property.
- Guarantees are sought from the Council and developer that if the development is approved the pond will never flood into the adjacent gardens.
- The pond is not visible from the street only from adjacent gardens.
- If soakaways are to be used it might have a deleterious impact on existing properties that lie at a lower level
- The flood risk assessment supporting the application indicates that in a flood event residents of the proposed development would not be able to access/leave their properties for circa 4 hours. This poses a risk to tenants should they require the emergency services.
- Given the flooding situation a development of this size should require at least 2 vehicular access points
- Ground conditions surveys were undertaken in the summer of 2018 when it was particularly warm and dry. The findings cannot therefore be relied upon for the drainage of the site under normal circumstances.

Other Issues

- It is alleged that some of the supporting documentation makes reference to the application site being in Swansea and other areas of Wales gives no confidence to residents that their views and opinions would be taken seriously
- Previous proposals for the development of four houses on the site were rejected.
- Other brownfield sites or sites within settlement limits are available and would be more suitable and appropriate for development of the kind proposed and would better serve the residents.
- Locating the proposal on another site within settlement limits would better serve its future residents through increased social interaction and engagement between parties that is unlikely to occur under the current proposals.
- Some residents regard the description of the development as affordable housing as misleading as the properties will be rented by the housing association and will not come on to the market.
- To suggest that the development would take place in Llantwit Fardre is incorrect as the site clearly is part of Efail Isaf.

- Since the opening of the bypass the cul de sac at Heol Dowlais has become a focal point for anti-social behaviour which has been recorded by the police
- There would be no affordability saving to be gained by planning permission being granted for this development.
- The development has already been refused once and should not be allowed to get this far a second time.
- It is all about affordable housing but affordable housing does not exist and never will exist!
- Local infrastructure cannot cope with the increase in housing traffic is already over congested and schools and health services oversubscribed
- Diminishing quality of life.
- Development and investment needs to be directed to the north of RCT not the south where development is strangling existing communities
- If there is a requirement for 20% affordable housing in private developments why does a 100% social housing development need to be considered.
- Isn't there enough development on the outskirts of Cardiff as it is?

CONSULTATION

Highways – No objections subject to conditions

Flood Risk Management – No objections subject to conditions to secure appropriate drainage of the site

Public Health & Protection – Raise no objections to the proposed development subject to conditions. They also advise that the current site investigation does not cover the full extent of the site and as such further work may be required in this regard.

Countryside – Maintain a holding objection on the basis that inadequate ecological information has been provided relating to grassland at the site.

Education – the proposal is for 34no. dwellings with 10 being 1 bedroom properties. As such, the impact of the proposals on education provision are negligible. However, this is one of a number of schemes in this area and cumulatively they could have a significant impact on education provision in the locality.

Cwm Taf UHB – Have no grounds for objection based upon the public health considerations contained in the planning application.

Natural Resources Wales – No objections subject to conditions.

Dwr Cymru Welsh Water – No objections subject to conditions

Western Power Distribution – If the applicant intends or needs to make a service diversion or a new connection then the consent of Western Power Distribution will be required.

Wales & West Utilities – Raise no objection to the proposed development and advise regarding the location of their apparatus in the vicinity of the application site and appropriate working practices to be adopted when working in proximity to it.

South Wales Fire & rescue Service – Raise no objections to the proposed development and advise that the development should ensure adequate water supplies for firefighting purposes and appropriate access for emergency fire fighting appliances.

The Coal Authority – No objections in light of the findings and recommendations of the site investigation report.

South Wales Police – Raise no objection to the development and advise in detail on how the development can be improved through the application of secured by design principles.

Glamorgan Gwent Archaeological Trust – As the archaeological advisors to your Members, we have no archaeological objection to this application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services in the southern strategy area.

Policy CS4 – identifies the housing development requirements for the Local development Plan period up to 2021.

Policy AW1 – Identifies the methods to be followed to meet housing land requirement targets, which do not include the development of unallocated sites outside of the defined settlement boundary. .

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

Policy AW3 – Sets criteria for the consideration of affordable housing developments outside of defined settlement limits which can be supported when 1) the proposed development cannot be accommodated on sites within settlement limits, 2) the site does not exceed 30 dwellings; and, 3) the site is solely for the provision of affordable housing.

Policy AW4 – Addresses the manner in which planning obligations will be sought

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

Policy AW14.2 – safeguards sandstone resources from development

Policy SSA11 – Requires a minimum density of 35 dwellings per hectare be achieved in the southern strategy area.

Policy SSA13 – sets criteria for the consideration of proposals within settlement limits and in its supporting text states that development would not be permitted outside of settlement limits.

Policy SSA22 – defines the extent of green wedges in the southern strategy area.

Supplementary planning Guidance

Design and placemaking

Affordable housing

Nature conservation

Planning obligations

Access circulation and parking

Development of flats

Employment skills.

National Guidance

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

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning and puts the objective of placemaking at the heart of the planning decision making process

Section 2- People and Places: Achieving Well-being through placemaking

Paragraph 2.8 - Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.

Paragraph 2.9 of PPW requires the planning system to adopt a placemaking approach to plan making, planning policy and decision taking.

Paragraph 2.10 sets out that the principle of sustainable development and the approach to decision making contained in the five ways of working are matters that the planning system can and must improve in. The identified 5 ways of working include collaboration, prevention, long term, involvement and integration.

Paragraph 2.13 sets out the 5 Key Planning Principles

- Growing our economy in a sustainable manner;
- Making best use of resources;
- Facilitating accessible and healthy environments;
- Creating and sustaining communities;
- Maximising environmental protection and limiting environmental impact.

Section 3 Strategic & Spatial Choices

This section sets out the main considerations of appropriate locations of development and key design principles.

Paragraph 3.56 indicates that development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Minor extensions to existing settlements may be acceptable, in particular, where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Section 4- Active and Social Places

Paragraphs 4.1.8 – 4.1.17 explain the need for development proposals to maximise accessibility through a transport hierarchy which prioritises walking , cycling and public transport before private motor vehicles.

Paragraph 4.1.13 states that the sustainable transport hierarchy must be a key principle...when considering and determining planning applications.

Paragraph 4.2.34 states that the provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community...The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged. Affordable housing exception sites are not appropriate for market housing.

Other relevant guidance consulted

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
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 issues in determining the current planning application are

- The principle of the proposed development in terms of planning policy and sustainability.
- The impact of the proposed development on the character and appearance of the area.
- The impact of the proposed development on residential amenity and privacy.

- The impact of the proposed development on ecology and the local environment.
- Highway considerations
- Drainage and flooding considerations.

Principle of the proposed development

The site was considered as a candidate site for the Local Development Plan preparation process. However, the site was not allocated for development and now lies in the countryside and is unrelated to any established settlement. Policy in the southern strategy area aims to focus development within defined settlement boundaries, including policies CS2, AW2.1 and SSA13.

The site is supported by a continuous pedestrian pavement but lies 0.3 miles from a bus stop and 0.6 miles from some key services and facilities at Crown Hill. The site is outside of the settlement limits as defined by the Local Development Plan by some 120 metres at its nearest point. As such, the proposals cannot be regarded as wholly compliant with planning policy.

However, Local Development Plan policy AW3 and Technical Advice Note 2 allow affordable housing to be situated in the countryside if their criteria are met.

Affordable housing exception sites are required to be located on land outside but adjoining the settlement boundary. The settlement boundary in this area has an established deciduous woodland edge that forms a natural barrier between the site and the urban settlement. That said, the presence of the 10 houses immediately adjacent to the site reduces that sense of separation from the urban area.

Turning to policy AW3.1 and 3.3 the applicants argue that there are no suitable sites within settlement boundaries nearby to enable the delivery of affordable housing. Recent Joint Housing Land Availability Studies show some support for this stance particularly given the deliverability of major schemes in the area, e.g. The Cwm Colliery proposals which were initially expected to deliver in the order of 160 affordable homes. Additionally high densities of development along with higher land values in the area mean that sites of this scale are not readily available to develop affordable housing.

Further, policy AW3.2 sets a maximum limit of 30 dwellings for exception sites whilst this proposal seeks consent for 34. Whilst this proposal clearly exceeds the threshold set in policy it must be kept in mind that this number of affordable homes would only otherwise be developed in a scheme proposing in excess of 170 dwellings as per the requirement set down in policy SSA12.

Whilst there is a departure in terms of overall numbers, the proposal could bring benefits in terms of the delivery of affordable housing in the context of housing land supply, currently standing at 1.3 years when the minimum requirement is 5 years. . The Annual Monitoring Report also shows that the

delivery of all housing (affordable and market) is underachieving in terms of meeting housing requirements set down through the Local Development Plan it would therefore be reasonable to support proposals that help to address that shortfall.

As there is a shortfall and if the housing need argument is to be given weight in the potential approval of development on this site, it should be completed within 5 years in order to make a meaningful contribution to addressing the shortage.

The application site is not within a green wedge as suggested by some objectors, though there is one immediately north of the site. Whilst the site lies within a sandstone safeguarding area as defined by Local Development Plan Policy AW14.2, the location of the site immediately adjacent to established residential property would nullify any quarrying potential that the site may have.

Some objectors have suggested that the development would be better directed to sites allocated for residential development elsewhere in the locality. This though is something of a moot point as the application has to be determined on its individual planning merit rather than what some objectors might regard as being preferable

Matters relating to transportation and associated active travel requirements and the policy issues associated with them are addressed under Highways considerations below.

Ecology is dealt with in detail below and if the proposals is to be allowed compliance with policies AW3 and AW8 would to a substantial extent be required.

The development of 34 dwellings on 0.87 hectare of land is compliant with the density requirements set down in policy SSA11.

Issues dealing with flooding and highways are dealt with in some detail below and the development will need to demonstrate compliance with policies AW5 and AW10.

Policy AW10 will also need to be satisfied with regard to the issue of noise.

Impact on the character and appearance of the area

The immediate locality is characterised by a mix of low density detached dwellings of varying age, design and size set within their own grounds, and open fields with well-defined boundaries with the wider area cut through by the Church Village By-Pass.

The proposal would come forward as a discreet development set within its own well-defined boundaries. This would have a distinct impact on the character and appearance of the area, not just because a field would become

a street of homes but also because the design and density of the proposed development is at some variance with that already established in the area. The proposed layout shows groups of semi-detached and link houses along with walk up flats set around a central green area in a cul de sac form with one point of access/egress that is markedly different from the type of development found elsewhere in the immediate locality. The proposed development would undoubtedly have an urbanising effect on the character and appearance of the existing semi-rural area

An urbanising effect is though insufficient of itself to warrant the refusal of a planning application unless it also clearly display a level of harm to an interest of acknowledged importance (see comments on ecology below), which is not, on balance, the case with this planning application. In this case, different does not equate with bad development and the proposals will add variety in form and structure to the area, building on the existing variance in design that already exists. The proposal is considered to comply with the requirements of Local Development Plan Policies AW5 & AW6 inasmuch as it relates to this issue.

Impact on residential amenity and privacy

The topography of the land in and around the application site rises gently from west to east. As a result, the properties on Heol Creigiau sit lower than the application site and the bungalow at 56 Heol Dowlais sits at a higher level than the application site. The arrangement informs the impact that the development will have on residential amenity and privacy.

The nearest property to the site to the west is a large detached property set in substantial ground known as The Willows. The first eight plots of the development will back on to its boundary. The nearest properties on the development to the house are plots 1 and 2, which are bungalows, and they are approximately 26 m distant at their nearest point (in terms of built development). Elsewhere on the western boundary plots 9 to 14 back on to the properties 3, 4, & 5 Heol Creigiau and back-to-back distances vary between 22m and 29m. These properties are a combination of four houses, two of which are two and a half storey in height and two walk up flats over two floors. To the east of the site is the bungalow at 56 Heol Dowlais, which lies just over 13m from the two-storey walk up flats on proposed plots 29-30 and 12.5m from the bungalows on plots 27 & 28. In terms of any potential impact on amenity and privacy the existing properties referenced represent those that would be most affected by the proposed development. Properties to the west of the site sit at a lower level than the intended finish levels for the site. However, the distances between existing and proposed built development are considered acceptable in planning terms and exceed minimum distances that would have been insisted upon in earlier developments. The distances between the proposed development and 56 Heol Dowlais are notably shorter however, the flats would only have a blank gable wall facing that property and the proposed flats and bungalows would sit at a lower than the established property and all will have boundary fence screening. This taken together with the fact that no.56 sits at a higher level than the site would make the proposed

arrangement acceptable in terms of its impact on residential amenity and privacy.

Within the site itself the general arrangement and layout of development is such that residential amenity and privacy are appropriately designed with comfortable facing elevation distances, brought about largely because of the intension to provide a central communal garden. The nature of the layout affords a degree of mutual overlooking of rear gardens this though is both inevitable and acceptable in planning terms. . The proposal is considered to comply with the requirements of Local Development Plan Policies AW5 & AW6 inasmuch as it relates to this issue.

Access and highway safety

In this instance, Members should note that the planning application is supported with a Transport Statement and that subject to conditions Highways Development Control have no objections to the proposed development. In considering the highway implication of the proposed development Highways Development Control have had regard to –

- The supporting transport statement
- Access to the site
- Public transport
- Parking provision
- The site boundary and off site highway improvements
- Active travel considerations.

Having given consideration to all of the above issues Highways Development Control favour the development of the site as it caters adequately for all highway users. This is the case despite the concerns expressed in terms of active travel requirements and all of the other highway related objections and alleged shortcomings referenced in objection to the current proposals.

Objectors to the scheme have claimed that the proposals will adversely affect the community path however; no evidence is produced to support the claim. Similarly, no evidence is offered to support the claim that the increase in housing numbers will have an adverse impact on road safety, whilst the traffic calming measures that the development of the site would deliver would improve matters in the immediate locality.

Whilst the area might be used for parking for car sharing commuters or people using the community path, the loss of such space (which would be minimal in any event) forms no basis for a successful refusal of the proposals.

Ecology and landscape

The applicant's initial ecological assessment of this site originally struggled to provide clarity on the ecological status of the site. The initial assessment work submitted in late 2018 identified potential for the field to be Marsh Fritillary Butterfly habitat and also described the presence of key species that are

indicators of priority grassland habitat. There were also some associated species assessment issues namely, bat and reptile usage.

In assessing the planning application against Policy AW8 of the Local Development Plan the Council's ecologist initially was of the opinion that there was insufficient information to reach a conclusion that the ecological impacts of the development were being adequately mitigated. As a result, the applicants were advised of the need for further ecological assessment work, and the Council's ecologist has met the applicant and their advisors on several occasions (including a site visit). As a result of that process, more bat and reptile assessment work has been submitted, and the conclusions of these assessments for those species has indicated that with achievable mitigation, the development will not be in contravention of policy AW8.

In addition, the recent Highways improvement amendments do appear to have delivered a reasonable compromise, in which a significant proportion of the road frontage hedgerow/line will now be retained.

However, although the Council's ecologist set out the requirement for a detailed Phase II vegetation survey of the pasture, the results of that assessment undertaken in May 2019 were unsatisfactory, and having walked the site himself on June 21st he offered further comments and concerns to the applicants and their ecologists by email. At that point, it was recommended that the applicant re-commissioned the Phase II vegetation survey to clarify the habitat status of the site. Unfortunately, the site was mown shortly after the email of June 24th and no more vegetation survey work would be possible this summer.

The grassland habitat has undoubtedly been modified by a long period of horse grazing, and the grassland is clearly not in 'good' habitat condition for either the dry neutral grassland or the wetter marshy grassland. However, there are still a number of indicators of species rich grassland present on the site, and the alternating pattern of wet runnels and dry banks, which characterises the southern part of the site, is indicative of an interesting older grassland feature. From the June 21st walkover undertaken by the Council's ecologist enough species evidence was found to suggest that the site might qualify under the Mid Valleys SINC selection criteria, which are used to identify SINC in the County Borough. The ecology of the grassland is therefore complicated at this site. This was the reason for requesting a competent Phase II Vegetation Survey, so that Members could be better informed of the ecological value of the grassland habitat. Unfortunately (and for reasons which appear primarily to be related to land management windows), the applicant has not been able to provide the necessary ecological clarity. As such, it is not known if the limited grassland mitigation that has been offered (which would be the management of the proposed attenuation pond) is adequate to offset the ecological impacts of the development of the pasture. As such, the Council's ecologist is of the view that the precautionary principle has to be employed, and as a result retains his previous holding objection made based on inadequate ecological information in relation to Policy AW8 of the Local Development Plan.

Members should note that the applicants take the view that previous surveys have not indicated that the site has or should benefit from any protection or status ecologically and they regard this as an important material consideration in the determination of the planning application.

In landscape terms, the proposals do not benefit from the support of a formal Landscape and Visual Impact Assessment. This the applicants have elected not to do and is understandable given the relatively low lying nature of the site and the fact that it is surrounded and to a large extent defined by residential development and roads. Some residents have claimed that the site lies within the Efail Isaf, Garth and Nantgarw Slopes Special Landscape Area. It is not, though the southern tip of the site boundary does touch the border of the Special Landscape Area.. Additionally the claim is made that the site contributes to the landscape barrier that separates Llantwit Fardre from the A473. Whilst this is an understandable point of view, the reality of the situation is that the substantive barrier is better defined by Heol Dowlais itself along with land to the north which forms the green wedge as identified by Local Development Plan Policy SSA22, and the Site of Interest for Nature Conservation that it contains.

Drainage issues

Concerns relating to the drainage of the site centre around two issues, namely the use of a settlement pond as part of the site drainage and the propensity of the access road to flood.

With regard to the use of the settlement pond, the drainage scheme is designed to industry standard for the type of development proposed. Additionally, the basin itself is designed with a 300mm freeboard to store higher return period events and contains an overflow to a drainage ditch to deal with extreme flood events. As such, the proposals do not increase the risk for the site or the established properties to the west of the site on Heol Creigiau. A number of objectors have raised the possibility of the consequences of the pond failing and its potential to then flood other properties. Such features are subject to a regular maintenance regime and any failure would be the responsibility of the owner or Maintenance Company.

Records clearly illustrate that the site itself does not flood. However, the site's road frontage on Heol Dowlais is at low surface water flood risk in the one in 1000-year flood event. Parts of Heol Dowlais and Heol Creigiau closer to their junction are also within the C2 flood zone as defined by Tan 15 Development and Flood Risk. Furthermore, during extreme flooding events the Heol Dowlais/Heol Creigiau/Crown Hill Junctions would flood to a depth and velocity that exceed acceptable tolerances as set down in the Technical Advice Note 15. However flood durations are relatively short and the technical note prepared by JBA submitted in support of the application clearly illustrates that even in extreme events emergency access to the site can be provided via the community path running parallel with the A473 leading to Station Road. Even though it might be argued that the situation with the road flooding

represents a conflict with policy and particularly the proposal might run contrary to some or all of the tests and requirements of paragraph 6.2, the evidence points to the situation in such extreme events being manageable.

Other Issues:

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

A number of residents have referred to various other bodies of legislation, citing amongst others The Wellbeing of Future Generations (Wales) Act 2015 and The Environment (Wales) Act 2016, claiming that allowing the proposals would be contrary to their requirements. The planning system by its very nature respects all legislation that influences it and the rights of the individual whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal will have on individuals, including children, and weigh these against the wider public interest in determining whether a development should be allowed to proceed. Indeed, the latest iteration of Planning Policy Wales was drafted to specifically incorporate the requirements of the Wellbeing of Future Generations (Wales) Act 2015 into planning.

Some residents have indicated that they do not accept the findings of the noise assessment submitted with the planning application. Members should note that the document has been the subject of consideration by Public Health & Protection and no objection has been raised by them on that issue.

Whilst some of the initial documentation contained some drafting errors these were subsequently corrected.

Members will note from the planning history of the site that there have previously been refusals of applications for Certificates of Appropriate Alternative Development for residential development on the site. These were associated with the construction of the Church Village Bypass. However, this application falls to be determined on its merit against current policy and relevant material considerations. Similarly, a number of residents suggest that the development should be directed to brownfield sites elsewhere. Whilst this would be desirable it does not relate to the acceptability or otherwise of the current application in planning terms.

The description of the development as affordable housing is not misleading as social rented accommodation, such as that proposed, is by definition affordable. The fact that it is not to be sold is not relevant. Similarly, there is a suggestion that the development is in Efail Isaf rather than Llantwit Fardre. This highlights a difference between perception and reality, as the site though close to Efail Isaf being separated from it only by the bypass road, is quite

clearly within the Llantwit Fardre ward and in any event, the location does not affect the planning merit of the proposals.

If the cul de sac on Heol Dowlais has become a focal point for illegal activity, then the greater passive surveillance that the development would provide would make such activity less rather than more likely.

The suggestion that there is no affordability saving to be gained by granting planning permission or that affordability does not exist and never will is somewhat misplaced as if the development if allowed will increase the stock of affordable housing by any definition.

Reference is made in objection to the proposals diminishing the quality of life. No evidence or explanation is offered as to how this would represent itself or how the development would be a catalyst for it. In any event much needed social housing for local people would improve the quality of life of many people in need of such accommodation.

Whilst officers would actively encourage appropriate development in the north of the County Borough, this application is a response to established demand for social housing provision in the south of the County Borough.

Whilst Officers and the Council will always attempt to achieve the delivery of 20% affordable housing on new private sector developments in the southern strategy area, site viability sometimes demonstrates that this is not always achievable. In any event, there is no planning policy that prevents proposals for 100% social housing coming forward, and in areas where there is clearly a high demand for affordable housing, such as Llantwit Fardre, it should be actively encouraged.

Whilst there is currently a great deal of development taking place on the outskirts of Cardiff that is intended to meet the needs of the capitol city and Rhondda Cynon Taf still needs to make its own provision for new housing.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £187,239.56

However, social housing relief may be claimed on the development)

Section 106 Contributions / Planning Obligations

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

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

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

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's Supplementary Planning Guidance 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

- The agreement of a long term habitat management plan
- The development remains affordable housing in perpetuity.

Conclusion

Inevitably, major applications such as this can raise a number of complex and often contradictory issues. In this case, though officers take the view that despite the site lying outside of settlement limits, clear conflict with policy AW8 in respect of site ecology and the flooding issues associated with the access road, that the benefits of the proposed development outweigh these negative elements. The situation with regard to the site ecology is particularly disappointing and is largely a result of the failure to assess the true value of the mixed grasslands on the site. It also has to be kept in mind though that to some extent the loss can be compensated for (but not in its entirety) by the inclusion of a habitat management plan in any Section 106 agreement.

Despite the slightly elevated numbers (34 units as opposed to the 30 allowed under policy AW3) the site still qualifies in policy terms as a rural exceptions site for affordable housing in all other respects. Additionally the Council's position in terms of housing land supply (currently standing at 1.3 years which is well below the required minimum of 5 years) along with the demand for affordable housing in the Llantwit Fardre ward (identified in the Council's Local Housing market Assessment), is considered to outweigh the negative impacts of the proposed development

In carrying out the balancing exercise that is necessary in this case, there is a clear need to act proportionately. In the present case, as detailed in this report, it is considered and has balanced those material considerations relevant to the application in making the recommendation to Committee to approve the planning application.

RECOMMENDATION: Grant

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

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

2. The consent hereby granted relates to the following plans –

- a) Location plan drawing no 2036-011
- b) Site layout drawing no. 2036-019 Rev M
- c) House type elevations 1 of 2 drawing no. 2036-063
- d) House type elevations 2 of 2 drawing no.2036-064
- e) Block plans 1 of 2 drawing no. 2036-021 Rev A
- f) Block plans 2 of 2 drawing no. 2036-022 Rev A
- g) Heol Dowlais proposed improvement and site access drawing no. A 105552-SK01 rev A

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

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

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

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

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

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

7. Building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning

Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

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

9. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 8 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

10. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

11. Any topsoil; (natural or manufactured) or sub soil to be imported into the site shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to the approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of health and safety and environmental amenity and

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

12. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to the first occupation of any dwelling hereby approved.

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

13. Notwithstanding the submitted plans no development shall commence until full engineering design and details, including road safety audits of proposed off-site highway improvements consisting of –

- a) A 2m wide footway for the entirety of the site frontage along Heol Dowlais.
- b) Traffic calming features between the proposed development and the junction between Heol Dowlais and Heol Creigiau.
- c) Bus stops, shelters, boarders, flagpole, carriageway markings on Crown Hill.
- d) Uncontrolled pedestrian crossings.

Have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of any dwellings.

Reason: In the interests of the safety of all highway users and to encourage sustainable modes of travel in compliance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the submitted plans, no development shall commence until full engineering design and details of the proposed junction and tie-in with Heol Dowlais, internal roads, including sections, street lighting, surface water drainage, traffic calming and highway structures 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 highway safety in compliance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence until a Traffic regulation Order (TRO) associated with traffic calming along Heol Dowlais has been completed, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the deliverability of traffic management measures and in the interests of highway safety in compliance with Policy AW5 of the

Rhondda Cynon Taf Local Development Plan.

16. No development shall take place, including any works of site clearance until a construction method statement has been submitted to and approved in writing by the Local Planning Authority to provide for;
- a) The means of access into the site for all construction traffic,
 - b) The parking of vehicles of site operatives and visitors,
 - c) The management of vehicular and pedestrian traffic.
 - d) Loading and unloading of plant and materials,
 - e) Storage of plant and materials used in constructing the development,
 - f) Wheel cleansing facilities,
 - g) The sheeting of lorries leaving the site.

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

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

17. Surface water run-off from the proposed development shall not discharge on to the public highway or be connected to any highway drainage system unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in compliance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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