

**PLANNING & DEVELOPMENT COMMITTEE**

**5 DECEMBER 2019**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO: 18/1423/10 - RESIDENTIAL DEVELOPMENT OF 76 DWELLINGS TOGETHER WITH ASSOCIATED WORKS (AMENDED PLANS RECEIVED 17/05/19) THE MEADOWS, COEDEL, TONYREFAIL**

**1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

**2. RECOMMENDATION**

That Members consider the report in respect of the application and determine the application having regard to the advice given.

**3. BACKGROUND**

This application was reported to the 19<sup>th</sup> September 2019 Planning and Development Committee meeting with a recommendation of approval (a copy of the original report is attached as Appendix A). At that meeting Members were minded to defer the application for a site visit which was undertaken on 10<sup>th</sup> October 2019 (the site visit report is attached as Appendix B). The application was then reported back to the Planning and Development Committee meeting on 07<sup>th</sup> November 2019 where Members were minded to refuse the application contrary to the officer recommendation. Members considered that:

- The proposed development, being located outside of settlement limits, would be sited in an unsustainable location within the countryside and therefore fails to comply with the key sustainable development principles of Policy AW2 of the Local Development Plan (LDP) and the placemaking aims of Planning Policy Wales (Edition 10) (PPW);
- The development is not compliant with Policy SSA11 of the LDP in that it does not propose the prescribed minimum density of 35 dwellings per hectare;

- The proposed site access through the existing, adjacent Highfields development is not suitable to cater for the additional traffic that would be generated by the number of dwellings proposed. Furthermore, the proposed gated emergency access from the new site via Tylcha Wen Terrace is not an appropriate route and is not suitable for the number of residents / type of vehicles that would have to use it during the time of an emergency. Consequently the proposed development would result in a detrimental impact upon highway safety for both existing and future residents, contrary to Policy AW5 of the LDP;
- The proposed development would have a detrimental impact upon trees/ecology on the site and upon the nearby Rhos Tonyrefail Site of Special Scientific Interest (SSSI), contrary to Policy AW8 of the LDP; and
- The character and appearance of the proposed development would have a detrimental impact upon the visual amenity of the area when viewed from the nearby Public Rights of Way (PROW), contrary to Policy AW7 of the LDP.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

#### **4. PLANNING ASSESSMENT**

The considerations regarding the issues detailed above are set out in full within the original report, however, a brief summary is provided below:

##### Principle of Development

The application site forms Greenfield land outside of the settlement boundary for Tonyrefail. It does however adjoin the settlement boundary with the adjacent land directly to the south being allocated for residential use and currently being developed as part of the Highfields residential estate. In considering the principle of allowing residential development in such locations it is necessary to look at the sustainability of the site. PPW states that sustainable places are the goal of the planning system. Policy AW2 of the LDP supports this goal by ensuring that developments are sited in sustainable locations. The Policy contains nine criteria which define sustainable locations, five of which are relevant to this case.

It is considered that the proposed development meets all but one of the relevant criteria of Policy AW2, that being Criterion 1, the need for a site to be located within the settlement boundary. Whilst it is accepted the application site is located outside of settlement limits, it is located directly adjacent to the settlement boundary (south) and the existing

Highfields development which is located inside. As such the plot is considered to be no less sustainable in terms of access to services, amenities and public transport than the adjacent residential estate currently being developed. Furthermore, it is not considered the development of the plot would result in an unacceptable impact to its surroundings in respect of any of the other material considerations relevant to this scheme.

Members are also advised that Local Authorities are required by PPW and Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1) to ensure that there is a 5 year land supply for housing and that the land is genuinely available for development. The Council does not presently have a 5 year land supply, with the current figure being 1.3 years (April 2019), i.e. a deficit of 3.7 years. In July 2018, Welsh Government (WG) granted the temporary dis-application of paragraph 6.2 of TAN 1 to remove the reference to attaching considerable weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications. In the AM's written statement regarding this, she stated that the matter of how much weight should be attached to a lack of a 5 year land supply should now be determined by Local Planning Authorities (LPA).

Given that the housing land supply in Rhondda Cynon Taf (RCT) is only 1.3 years, it should be considered that the need to increase the supply in the County Borough carries significant weight, provided that the development would otherwise comply with the principles of sustainable development and other relevant policies set out in the LDP and national guidance.

In this case and terms of policy compliance it is not considered the proposed development would result in a significant impact upon the surrounding Special Landscape Area (SLA) or result in any impact to the nearby SSSI (the full considerations of which are set out in detail in the original report).

Furthermore, the scheme must not impact upon the amenity of surrounding residents and must have appropriate accessibility. Again these issues are fully considered in the original report but Members are advised that it is not considered there would a significant impact in these regards.

The second requirement in the housing land supply argument is that the site is genuinely available and viable. In this instance the application is submitted by a volume house developer who is currently developing the site directly adjacent to this one. The site is therefore supported by a developer who has a proven record of delivering housing and the Council can reasonably be confident that the site would be developed shortly after any approval; and the development would genuinely contribute to the 5 year housing land supply. Further, the development would provide for 20% affordable housing and would

contribute to the Community Infrastructure Levy (CIL) which would each benefit the town and its residents.

Therefore, whilst it is accepted that Policy AW2 is only partially met, 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. Furthermore, given that the applicant is currently developing the adjacent plot, it could reasonably be considered to come forward in the short term. Consequently, on balance, it is considered the housing land supply argument outweighs the presumption of not supporting development outside of the defined settlement boundary in this instance.

It is acknowledged however that the above considerations were taken on balance and that the site is located outside of the town's settlement boundary which by definition equates to an unsustainable location where residential development is not normally supported. This is emphasised by the fact that the site is located approximately 2.5 – 3km away from the nearest public amenities located within Tonyrefail town centre; and approximately 1km from the nearest public transport links along Ely Valley Road which are sited at the bottom of the steep access through the existing estates. Both of which can generally be considered too far to practically access on foot.

In light of this fact the development site can reasonably be considered to be located within an unsustainable location and its use for residential purposes contrary to the key principles of Policy AW2 of the LDP and the wider placemaking aims of PPW.

#### Housing Density

Whilst it is acknowledged the scheme would only provide a density of 19 dwellings per hectare and Policy SSA11 requires a minimum of 35, given the topography of the site and the need for landscape buffers, the number of dwellings proposed is considered appropriate in this instance as it has been dictated by the constraints of the site. However the scheme does not comply with the specific requirements of the Policy and therefore could be considered unacceptable in this regard.

#### Highway Safety

Following consideration of the scheme the Council's Transportation Section commented that there is some concern with the proposed primary means of access to the new development site via the existing local highway network. However, given that the proposal generally meets all of the relevant highway standards subject to mitigation measures, on balance, the scheme is considered acceptable in terms of highway safety and operation. Furthermore, the lane linking to the proposed emergency access, although currently sub-standard in terms of geometry, structural integrity, lighting and drainage, would be improved at its junction with the emergency access and would benefit

residents of Gwernheulog and Highfields in addition to those of the proposed development. The emergency access itself would also be constructed to the relevant, appropriate standards. As such the emergency access is also generally considered acceptable in highway safety terms, subject to mitigation measures and the relevant conditions set out in the original report.

Therefore, whilst the scheme is generally considered acceptable in highway safety terms, there is some concern with both the primary and emergency means of access and development will inevitably result in a degree of impact to the safety of all highway users both on the existing/proposed residential estates. Consequently the proposed development could therefore be considered unacceptable in respect of its potential impact upon highway safety.

### Trees/Ecology

The application site primarily comprises two agricultural fields of improved pasture with boundary hedgerows and trees, and is located approximately 200m from the nearby Rhos Tonyrefail SSSI. In light of this fact the application was accompanied by an ecological assessment which makes several recommendations in regard to mature and semi-mature trees around the margins of the site, the possibility of tree-use by bats, general considerations for wildlife conservation and enhancement, and implementation and supervision. Following assessment of the report neither the Council's Ecologist nor Natural Resources Wales raised any specific concerns, however, the ecologist suggested that the applicant should enter in to a Section 106 agreement (S106) with the Council to ensure the mitigation proposed is implemented on site and is retained and maintained in future.

Notwithstanding this fact, the site itself is likely to host a range of fauna and flora that would be lost if the development is implemented. This would inevitably have a detrimental impact upon the trees/ecology on and around the site, contrary to Policy AW8.

### Visual Impact from nearby Public Rights of Way

The application site forms two undeveloped fields at the edge of the settlement of Coedely. As a result of its elevated siting and aspect, the site is clearly visible from lower points within the town, at the opposite side of the valley, and from the nearby PROW. However, with little trees/vegetation separating the site from the residential area to the south, the site's character is considered to be influenced by the urban edge of Coedely. Additionally, the site is well contained by the surrounding landform and is clearly separated from the open countryside at both sides (east and west) and to the rear (north) by a mix of mature hedgerows and trees which provide a clear line of separation and would largely remain and be enhanced following development. It is therefore considered that the development would

have a limited impact from surrounding viewpoints, simply appearing as an extension of the existing settlement.

It is accepted however that the application site is located outside of the settlement boundary, in the countryside, and forms what are currently open fields of a rural nature. Therefore their development would completely alter the current rural character and appearance of the site and the immediate locality, inevitably resulting in visible feature within the landscape from the nearby PROW. As such the scheme could be considered contrary to Policy AW7 of the LDP in this respect.

### Conclusion

Whilst the application is recommended for approval, subject to the conditions and S106 agreement set out in the original report, if, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reasons for refusal would reflect those views:

1. The proposed development represents unjustified development outside of the defined settlement boundary in an unsustainable location. The proposal is therefore contrary to Policies CS2, AW2, AW5 and SSA11 of the Rhondda Cynon Taf Local Development Plan and the placemaking aims of Planning Policy Wales (PPW) and is unacceptable in principle.
2. Insufficient information has been provided to justify a development of circa 19 dwellings per hectare. Therefore the proposed development is not compliant with Policy SSA11 of the Rhondda Cynon Taf Local Development Plan in that it does not propose the prescribed minimum density of 35 dwellings per hectare.
3. The local highway network serving as primary and emergency access to the proposed development site are inadequate due to on-street parking demand and highway geometry, which would be further exacerbated by the additional trip generation caused by future residents. The proposed development would therefore result in a detrimental impact upon the safety of all highway users and the free flow of traffic, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
4. The proposed development would have a detrimental impact upon trees/ecology on the site and upon the nearby Rhos Tonyrefail Site of Special Scientific Interest (SSSI), contrary to Policy AW8 of the Rhondda Cynon Taf Local Development Plan.
5. The character and appearance of the proposed development would have a detrimental impact upon the visual amenity of the area when viewed from the nearby Public Rights of Way, contrary to Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**19 SEPTEMBER 2019**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1423/10 (MF)  
**APPLICANT:** Lewis Homes Ltd  
**DEVELOPMENT:** Residential development of 76 dwellings together with associated works (amended plans received 17/05/19)  
**LOCATION:** THE MEADOWS, COEDEL, TONYREFAIL  
**DATE REGISTERED:** 03/01/2019  
**ELECTORAL DIVISION:** Tonyrefail East

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

**REASONS:** Whilst it is accepted the application site is located outside of settlement limits, it is considered to be within a sustainable location in terms of access to services, amenities and public transport. Furthermore, it is not considered development of the plot would result in unacceptable harm to its surroundings. Additionally, the scheme would provide for much needed housing, including a significant number of affordable units, in an area where there is a significant demand. Consequently, following a full and balanced consideration of all relevant policies, the proposed development is, on balance, considered acceptable in principle.

In addition, the proposal is considered acceptable in terms of all other relevant material planning considerations including landscape impact, impact upon the surrounding residents, and highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to Committee as the proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

**APPLICATION DETAILS**

Full planning permission is sought for the construction of 76 no. residential properties at the application site together with associated access, parking and landscaping. The development would comprise:

- 6 no. 1 bedroom walk-up flats (each to be occupied as social rented units);
- 10 no. 2 bedroom dwellings (6 no. of which would be occupied under a low cost home ownership scheme);
- 28 no. 3 bedroom dwellings (3 no. of which would be occupied under a low cost home ownership scheme);
- 32 no. 4 bedroom dwellings.

The dwellings would be sited in a roughly linear arrangement along the northern and southern boundaries of the site, with the associated access road through the centre. 8 no. house types are proposed, being a mix of detached and semi-detached dwellings and a block of walk-up flats. Each of the properties would be two-storey in nature, would front the street, and would have enclosed gardens to the rear. They would each have dedicated off-street parking spaces comprising a mix of garages and driveways to the sides and rear of the dwellings, with the flats being served by a communal parking area to the front.

With respect to external appearance, whilst a number of differing house types are proposed, each of the properties would be finished in the same external materials. This would comprise a mix of reconstituted stone, red face brick and off-white render, along with slate grey concrete roof tiles, white uPVC windows, and black rainwater goods.

Given the mountainside nature of the site, a number of associated engineering works would be required in order to facilitate development. This would involve some minor cut and fill works throughout the plot and small retaining structures along the southern boundary, to a maximum height of 1.75m.

Areas of public open space would be created at the western boundary and south-eastern corner of the plot and landscape buffers would be provided along the northern, eastern and southern boundaries of the site.

Primary access would be gained at the south-west corner of the plot via an existing access spur between Plots 113 and 115 of the adjacent 'Highfields' development. A secondary, emergency access would be provided via an existing lane at the south-west corner of the plot that currently serves the neighbouring Tylcha Fach Farm (west) and leads on to the residential street, Celyn Isaf. The lane would be extended and improved to adoptable standards and would link to the nearby adopted highway, Celyn Isaf (west). A pedestrian access would be located through the area of public open space at the south-eastern corner of the plot, linking to the adjacent 'Highfields' development to the south.

Members are advised that the Council's Transportation Section originally raised objections to the scheme as insufficient information was submitted with respect to the proposed emergency access; the proposed pedestrian access; traffic/trip generation information; the junction off Highfields; and routes to schools, local amenities and facilities. As such amended plans and a Transport Assessment report were received on 17/05/2019 in an attempt to address the concerns.

The application is accompanied by the following supporting documents:

- Transport Assessment;
- Design and Access Statement;
- Emergency Access Design Statement;
- Landscape and Visual Impact Position Note;
- Ecological Appraisal;
- Geotechnical Desk Study Report;
- Tree Survey Report and Constraints Plan;
- Pre-Application Consultation Report.

## **SITE APPRAISAL**

The application site is a roughly rectangular plot that amounts to approximately 3.99ha. It is sited at the edge of the settlement of Coedely, directly to the north of the existing Highfields residential development. The site forms 2 no. fields of undeveloped agricultural land, free of any buildings or structures, and rises gradually from either side (east/west) cresting at the centre (an approximate rise of 5m). The fields are each enclosed by mature hedgerows and trees to northern, eastern and western boundaries, beyond which is further open countryside. The rear gardens of a number of residential dwellings within the adjacent Highlands development are located directly to the south. Access is gained via the adopted Celyn Isaf/Tylcha Fach Farm Road to the north which also forms Public Right of Way ANT/109/1.

The surrounding area is generally characterised by open countryside to the north, east and west. The Highfields residential development is located directly to the south which is still under construction and comprises a wide mix of modern dwelling types of varying scale and design. The wider settlement of Coedely is located beyond (south).

## **PLANNING HISTORY**

No previous planning applications have been submitted at the site.

## **PUBLICITY**

The application was originally advertised by means of direct neighbour notification, site notices and a press notice. 13 no. letters of objection were received from surrounding residents and 1 no. from Tonyrefail Community Council, making the following comments (summarised):

- The application site is located outside of settlement limits where residential development is not supported/permitted by the Local Development Plan. There are plenty of Brownfield sites in the area that would be more appropriate.
- The primary access to the site through the existing residential developments to the south is not appropriate. The roads through the existing residential estates are narrow and congested with on street parking. Further vehicles along these roads would exacerbate existing problems and result in a detrimental impact upon highway safety.

- The proposed emergency access would be via Celyn Isaf which is narrow and congested with on street parking. Further vehicles along this highway would exacerbate existing problems and not be suitable for emergency vehicles, resulting in a detrimental impact upon highway safety.
- The additional traffic would result in pollution to existing residents.
- Construction staff and vehicles associated with the existing Highfields development have caused significant nuisance/problems to residents and continue to do so. Further construction traffic/staff would exacerbate and lengthen the existing issues.
- The application site is designated as a Special Landscape Area within the LDP. As such any development here would have a detrimental impact upon the high quality of the site and the surrounding landscape.
- The proposed dwellings would overlook the adjacent properties within the neighbouring Highfields development.
- Residents bought their homes on the neighbouring Highfields development under the premise that the fields to the rear (the application site) would not be developed in future. This was promised by the developer/applicant prior to purchasing.
- Development at the application site would hinder views from the adjacent properties within Highfields.
- Surface water already runs-off from the application site to existing properties below. The introduction of 76 no. dwellings and associated hardsurfacing would exacerbate this issue.
- Development of the site would result in the habitat of various plant and animal specials being lost. This will also result in a detrimental impact upon the ecology of the wider area.
- The site bounds a Site of Special Scientific Interest which would be impacted by the development.
- The development would result in the loss of a number of mature trees and hedgerows on and around the site.
- Additional houses at this location would put further pressure on existing foul and surface water drainage infrastructure and water supplies.
- Whilst it is accepted new homes are required in Rhondda Cynon Taf, especially affordable units, houses of the nature proposed and the likely sales prices cannot be considered affordable to most Rhondda Cynon Taf residents.
- The introduction of 76 no. additional properties in the village would put significant pressure on the already congested local schools.

- The introduction of 76 no. additional properties in the village would put significant pressure on the already congested local doctors surgeries.
- The developers have told surrounding residents that the Council approached them to develop the plot. As such this application has clearly been pre-determined.
- Development works have started on site without planning permission.

Following the submission of amended plans on 17<sup>th</sup> May 2019, the application was re-advertised. 30 no. letters of objection were received from surrounding residents reiterating the points summarised above.

It also noted that a letter was received from Mick Antoniw AM stating that he has received a number of concerns from surrounding constituents, and that he has concerns with the proposed access and increase in the volume of traffic in the locality; and that the existing doctors surgeries in the area will not be able to cope with further demand. As such he considers the development would be unsustainable.

## **CONSULTATION**

Transportation Section – No objection, subject to conditions.

Public Health and Protection – No objection, subject to conditions.

Flood Risk Management – No objection, subject to condition.

Countryside, Landscape and Ecology – No objection, subject to conditions and a Section 106 agreement to secure the long-term aftercare of the boundary hedgerows.

Landscape Architect – No objection, subject to a Section 106 agreement to ensure the proposed landscape buffers are provided along the boundaries of the site and remain in place and are maintained in future.

Housing Strategy – No objection.

Education – No objection and no financial contribution required via a Section 106 agreement. It is considered appropriate funding to mitigate any impact the development may have upon the education provision in the locality can be secured through the Community Infrastructure Levy payment associated with the scheme.

Play and Recreation Facilities – No comments received.

The Coal Authority – no objection, subject to conditions.

Natural Resources Wales – No objection.

Glamorgan Gwent Archaeological Trust – No objection, subject to condition.

Dwr Cymru Welsh Water – No objection, subject to conditions.

Wales and West Utilities – No objection, subject to conditions.

Western Power Distribution – No objection.

South Wales Police – No objection, subject to conditions – South Wales Police would agree that the proposed layout provides for good surveillance of the street scene and welcomes the provision of secure rear gardens. We are pleased that Secured By Design principles have been used.

South Wales Fire and Rescue Service – No comments received.

Nation Grid – No objection.

## **POLICY CONTEXT**

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

The application site is located outside of the settlement boundary for Tonyrefail and within the Mynydd Y Glyn and Nant Muchudd Basin Special Landscape Area, and a sandstone safeguarding area.

**Policy CS2** – sets out the criteria for development in the Southern Strategy Area.

**Policy CS4** – sets out the housing requirements within the County Borough for the plan period.

**Policy CS5** – sets out the affordable housing requirements within the County Borough for the plan period.

**Policy CS10** – seeks to safeguard mineral resources in the County Borough.

**Policy AW1** – sets out the criteria for new housing proposals.

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

**Policy AW4** – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

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

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

**Policy AW7** – identifies that proposals which impact upon sites of architectural or historic merit or affect areas of public open space, allotments, public rights of way, bridleways and cycle tracks will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

**Policy AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy AW14** – safeguards minerals from development that would sterilise them or hinder their extraction.

**Policy SSA4** – sets out the criteria for residential, commercial and community development within the Key Settlement of Tonyrefail.

**Policy SSA11** – requires housing developments in the Southern Strategy Area to have a net residential density of at least 35 no. dwellings per hectare, subject to certain exceptions.

**Policy SSA12** – seeks a provision of 20% affordable housing on sites of least 5 no. units or more within the Northern Strategy Area.

**Policy SSA23** – Development within Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- The Historic Built Environment;
- A Design Guide for Householder Development;
- 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.

Welsh Government published Planning Policy Wales (Edition 10) on 5<sup>th</sup> December 2018. The document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the Welsh Government's policy on planning issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals set out within the Well-being of Future Generations (Wales) Act and the site has been brought forward in a manner

consistent with the five ways of working. Furthermore, it is also considered that the proposed development is consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies;
- 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 18: Transport.

## **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.

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

Full planning permission is sought for the construction of 76 no. residential properties at the application site together with associated access, parking and landscaping.

The site is located within the Southern Strategy Area (SSA) of the County Borough and forms Greenfield land outside the settlement boundary for Tonyrefail. It does however adjoin the settlement boundary with the adjacent land directly to the south being allocated for residential development within the Local Development Plan (LDP). The site is located within the Mynydd Y Glyn and Nant Muchudd Basin Special Landscape Area (SLA) and is located close to the Rhos Tonyrefail Site of Special Scientific Interest (SSSI) (approximately 200m to the north west). The adjacent land to the south is in the process of being developed as part of the Highfields residential estate by the current applicant. As such this application effectively seeks an extension of the housing allocation and the adjacent residential development.

The key consideration in respect of this application is therefore the principle of residential development outside of the established settlement boundary.

In considering the principle of allowing residential development in this location it is necessary to look at the sustainability of the site. Planning Policy Wales Edition 10 (PPW) states that sustainable places are the goal of the planning system. Policy AW2 of the LDP supports this goal by ensuring that developments are sited in sustainable locations.

The Policy contains nine criteria, five of which are relevant to this case, which define sustainable locations:

Criterion 1 requires that developments within the SSA are located within the settlement boundary. Given the location of the site outside of established settlement limits, the scheme is contrary to this criterion.

Criterion 2 seeks that proposals would not unacceptably conflict with surrounding uses. In this instance the site is located directly adjacent to a housing allocation which is currently under construction. It is therefore considered this scheme would essentially form an extension to the established residential settlement of Coedely, and would result in no conflict in this respect. It is noted however that the site is located within an SLA, and whilst this does not necessarily preclude development, any potential impact upon the SLA is a material consideration. Furthermore, given the sites proximity to the nearby SSSI, any impact in this respect also needs to be fully considered. Members are advised that it is not considered the proposed development would result in a significant impact to either the SLA or SSSI. The considerations in these respects are set out in detail below within the Visual Impact and Ecology sections of the report.

Criterion 3 and 4 require that a site is accessible via a range of sustainable transport modes and that a site has access to key services and facilities. These criteria are echoed in PPW. The application site is located directly adjacent to an established residential area which benefits from a network of roads and footways which are lit and appear to be in good condition, providing safe and comfortable access to the surrounding area. It is therefore considered that the site is highly accessible to the wider area via vehicle, walking and cycling. Furthermore, there are a number of bus stops within reasonable walking distance which provide services to neighbouring towns/villages to the north and Cardiff to the south.

In terms of facilities, Tonyrefail town centre is approximately 2.5 – 3km away which is generally considered too far to reasonably access on foot, but would be feasible to cycle. However, importantly, there is a convenience store within reasonable walking distance of the site along with a primary school. There are also limited facilities available via sustainable transport methods. As such it is considered the site is accessible via a range of sustainable transport modes and has reasonable access to key services and facilities in the locality.

Criterion 6 supports developments that support the roles and functions of the County Borough's Principle Towns and Key Settlements. It is considered that the location of this site would help support the roles and functions of the Key Settlement of Tonyrefail by introducing further residents to the area that would make use of local facilities and services.

The remaining criterion of Policy AW2 are not considered relevant to this application.

Policy AW2 is therefore only partially met, however, in light of this issue and in an attempt to outweigh the fact the site is located outside of settlement limits, the applicant raises the point of a lack of housing land supply in Rhondda Cynon Taf and that this scheme could go some way to overcoming the deficit.

With the above in mind, local authorities are required by PPW and Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1) to ensure that there is a 5 year land supply for housing and that the land is genuinely available for development. The Council does not presently have a 5 year land supply, with the current figure being 1.3 years (April 2019), i.e. a deficit of 3.7 years. In July 2018, Welsh Government (WG) granted the temporary dis-application of paragraph 6.2 of TAN 1 to remove the reference to attaching considerable weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications. In Lesley Griffiths AM's written statement regarding this, she stated that the matter of how much weight should be attached to a lack of a 5 year land supply should now be determined by Local Planning Authorities (LPA).

Given that the housing land supply in RCT is only 1.3 years, it should be considered that the need to increase the supply in the County Borough carries significant weight, provided that the development would otherwise comply with the principles of sustainable development and other relevant policies set out in the LDP and national guidance. As PPW requires that land is genuinely available or will become available, this means sites must be free or readily free from planning, physical and ownership constraints, and be economically viable. The evidence to indicate that the site would truly contribute to the short term delivery of housing is also essential, whilst also being fully viable with regards to necessary planning obligations.

In this case and terms of policy compliance, the application site is subject to an SLA designation which does not necessarily preclude development but requires it to be of a higher standard than that at sites without the designation. It is also necessary to ensure any development of the site would not impact upon the nearby SSSI as any harm to this feature would take precedence over the land supply argument. As detailed above, it is not considered the proposed development would result in a significant impact upon the SLA or result in any impact upon the SSSI, the considerations of which are set out in detail below.

Furthermore, the scheme must not impact upon the amenity of surrounding residents and must have appropriate accessibility. Again these issues are fully considered below but Members are advised that it is not considered there would be a significant impact upon amenities of surrounding residents and following assessment of the scheme, whilst some concern was expressed with regards to the proposed emergency access, the Council's Transportation Section have confirmed that the access/highways elements of the scheme are acceptable.

The second requirement in the housing land supply argument is that the site is genuinely available and viable, deliverability is important if a site is to contribute to the land supply. In this instance the application is submitted by a volume house developer who, as stated above, is currently developing the site directly adjacent to this one. It is therefore accepted that the site is supported by a developer who has a proven record of delivering housing and the Council can reasonably be confident that the site would be developed shortly after any approval, and would genuinely contribute to the 5 year housing land supply. Furthermore, the development would provide for 20% affordable housing in line with Policy SSA12, and would contribute to the Community Infrastructure Levy (CIL) which would each benefit the town and its residents. Whilst it is acknowledged the scheme would only provide a density of 19 dwellings per hectare and Policy SSA11 requires a minimum of 35, given the topography of the site and the need for landscape

buffers, the number of dwellings proposed is considered appropriate in this instance. Members are advised however that should they be minded to approve the application, it would be prudent to seek a reduced timeframe for commencement of construction to 3 years from the standard 5 to avoid 'land banking' and ensure the proposal is delivered.

In light of the above, whilst it is accepted the application site is located outside of settlement limits, it is considered to be a sustainable location in terms of access to services, amenities and public transport, and would not cause unacceptable harm to its surroundings. Furthermore, 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 could reasonably be considered to come forward in the short term. Consequently, on balance, it is considered the housing land supply argument outweighs the presumption of not supporting development outside of the defined settlement boundary.

The proposal is therefore considered acceptable, in principle, subject to an assessment of the criteria set out below.

### **Visual Impact and Impact upon the Special Landscape Area**

As detailed above, the application site forms two undeveloped fields at the edge of the settlement of Coedely and is located within the Mynydd y Glyn and Nant Muchudd Basin SLA. The SLAs have been identified to protect the distinct landscape of the area, with particular consideration given to the protection of the unspoilt low lying farmland, common land and gentle valley slopes which form a visual backdrop to the settlements of the area. In order to protect the visual qualities of each SLA, development proposals within these areas are required to conform to the highest possible design standards.

In this instance, as a result of its elevated siting and aspect, the site is clearly visible from lower points within the town and at the opposite side of the valley. However, with little trees/vegetation separating the site from the residential area to the south, the site's character is considered to be influenced by the urban edge of Coedely and therefore its development would have a limited impact from these viewpoints, appearing as an extension of the existing settlement.

The Council's Landscape Architect has commented that whilst the development would result in a loss of part of the SLA, this particular SLA is very large and the loss will be insignificant. Furthermore, the site is well contained by the surrounding landform and is clearly separated from the open countryside at both sides (east and west) and to the rear (north) by a mix of mature hedgerows and trees which provides a clear line of separation and would largely remain and be enhanced following development. As such this buffer will ensure that any visual impact is minimal and its enhancement will also be a positive contribution in both terms of landscape and visual impact. The Landscape Architect did comment however that the buffer is key to minimising any impact and any planting and follow on management will need to be controlled through a Section 106 agreement (S.106) to ensure its establishment and maturity.

Therefore, given the comparatively small size of the area of land involved, together with the characteristics of the proposed works and the reasonable mitigation proposed, the

development is considered unlikely to have a detrimental impact upon SLA and broadly complies with Policy SSA23.

With respect to the development itself, it is considered the proposed site layout forms an appropriate design given the shape of the plot, its topography, and the relationship it has with the adjacent neighbouring residential development. As such the application site is considered to be of a scale capable of accommodating the number of dwellings proposed without leading to overdevelopment of the plot, and further, the proposed layout will ensure the new street sits comfortably within its surroundings. Additionally, no significant engineering works would be required at the site. It is consequently considered the general development of plot and layout proposed is appropriate in visual terms.

With respect to the proposed buildings, the residential areas to the south of the application site comprise a variety of dwelling types, though the majority on the Gwern Heulog, Meadows and Highlands developments are detached and semi-detached houses of a contemporary design, similar if not identical to that proposed. As such it is considered the properties would be in-keeping with the character of the area and appropriate in this location.

Therefore, whilst the comments received from the objectors in respect of visual impact are acknowledged, it is considered the proposed development would appear as an appropriate rounding off of the settlement and is acceptable in this regard, subject to the S106 agreement set out below.

### **Residential Amenity**

Whilst it is acknowledged that a number of concerns have been received from surrounding residents in this respect and it is accepted that any development at the site would inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by surrounding residents, it is considered that the site layout proposed will allow sufficient distance between the new properties and the existing to ensure that any potential impact would not be significant enough to warrant refusal of the application. The plot is currently and has historically been vacant. As such the introduction of 76 no. residential units at the site will inevitably result in an intensification of use and some disturbance to surrounding residents. However, whilst intensive in respect of the number of units and the associated comings and goings and general noise and disturbance normally associated with residential use, it is not considered any potential disruption generated by the proposed development would result in an unacceptable impact to the amenities of the existing surrounding residents in these terms.

The site layout illustrates that there would be a minimum distance of over 40m between the rear elevations of the new properties and the rear elevations of the existing, adjacent properties within Highfields. Given this separation distance, it is not considered that any undue overshadowing or overbearing impacts to the existing neighbouring properties would occur.

Furthermore, whilst it is acknowledged that the new street would be sited at a higher ground level than the existing properties along Highfields, a maximum of approximately 5m, it is considered the separation distance proposed between the new dwellings and the existing would ensure that any potential overlooking that may occur would not be

significant enough to warrant refusal of the application; or be any worse than that which the properties within Highfields inflict upon the dwellings below in the earlier phases of development. This would be further reduced through a large section (eastern element) of the site where the proposed planting buffer between the two developments would remain and be enhanced.

It is acknowledged that a number of residents have expressed some concern with regard to the additional use of the existing neighbouring highways by construction traffic, commenting that the vehicles associated with the development of the site will cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries associated with the construction. However, it is considered that this would occur over a limited period of time. Furthermore, should Members be minded to approve the application, a condition could be added to any consent reducing this impact by controlling the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and peak traffic times.

Therefore, in light of the above, whilst it is acknowledged that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. The application is therefore considered acceptable in this regard.

## **Highway Safety**

Members are advised that the Council's Transportation Section originally raised objections to the scheme as insufficient information was submitted with respect to the proposed emergency access; the proposed pedestrian access; traffic/trip generation information; the junction off Highfields; and routes to schools, local amenity and facilities. As such amended plans and a Transport Assessment report were received on 17/05/2019 in an attempt to address the concerns. Following assessment of the additional details, the Transportation Section removed their objections, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that a Transport Assessment (TA) report has been submitted with the application to assess the impact of the proposed development on the local and strategic highway network on the basis of an agreed scoping agenda. A review of the TA has revealed the following:

### Trip Generation

The predicted trip generation for the residential development use has been obtained from the Trip Rate Information Computer System (TRICS) database. There is minor cause for concern that the size of some developments chosen from the TRICS database are well below 76 no. units, however, as TRICS derives trip rates per dwelling, this concern would not be sufficient to warrant a highway objection.

The TA assesses the likely frequency of vehicle trips leaving or arriving at the Tylcha Fach / Tylcha Fach Terrace / Gwernheulog junction, with the current peak hour traffic

determined by traffic counts of between 2.4 and 2.6 vehicles per hour. The TA highlights that the increase in trips would be low with a vehicle movement occurring approximately every 3 minutes in both the AM and PM peak periods.

### Traffic Impact Assessment

The TA has considered the traffic impact of the proposed development on the junction of Gwern Heulog with Tylcha Fach Terrace / Tylcha Fach and the un-named road linking to Ely Valley Road. It indicates that the development will result in an increase in traffic at Gwern Heulog and some 12-13% to the short length of the un-named road between Tylcha Fach and Ely Valley Road. The traffic impact on Ely Valley Road is around 3-4%, which is considered insignificant and below the 5% level above which further junction analysis would be required.

### Junction Capacity

Junction capacity assessment has been undertaken of the cross-road junction of Gwern Heulog / Tylcha Fach / Tylcha Fach Terrace and the junction of the un-named road junction with Ely Valley Road. The TA concludes that the traffic impact at the site access junction is below 5% and the modelled access junctions at Gwern Heulog / Tylcha Fach / Tylcha Fach Terrace and un-named link road to Ely Valley Road and the junction of the un-named link road with Ely Valley Road have ample capacity to accommodate the increase in traffic associated with the proposed development.

### Mitigation Measures

The TA proposes mitigation measures consisting of the extension of parking restrictions at the un-named road linking Tylcha Fach and Gwern Heulog to Ely Valley Road. It is considered that this proposal is appropriate and would remove obstruction to traffic from existing development at Gwern Heulog, The Meadows, Highfields, Tylcha Fach and Tylcha Fach Terrace in addition to the proposed development. As such a condition is suggested to ensure these works are undertaken and the costs would have to be secured through S106 agreement.

### Highway Safety

The TA and information available from the WG indicates that no accidents have occurred in the vicinity of the development site and the junction with Ely Valley Road leading to the proposed development and no causal factors associated with the condition and alignment of the highway which would be exacerbated by the proposed development.

### Access

The primary means of access to the development site would be via the existing junction of Ely Valley Road with the un-named link to Tylcha Terrace and then via the estate access roads serving Gwernheulog, The Meadows and Highfields.

Mitigation is proposed in the form of the completion of a TRO to extend parking restrictions along the link road between Tylcha Fach / Tylcha Fach Terrace and Ely Valley

Road, which is acceptable subject to the necessary consultation process and can be secured by means of a suitably worded condition.

The proposed 76 no. dwellings would be served by an access from the existing Highfields development which is currently under construction and subject of a Highway Agreement under S38 of the Highway Act 1980. The proposed access would be located between 113 and 115 Highfields. The access is a short distance from traffic calming features which would constrain vehicle speeds and therefore the vision splays and junction radii shown are considered acceptable.

It is noted however that the retention of visitor parking bays adjacent to Plots 99 and 100 Highfields, which encroach into the carriageway in close proximity to the junction, gives some cause for concern and would need to be removed. Further, no information is provided to show street lighting and drainage of the proposed junction, however, this can be accommodated at detailed design stage and a condition can be imposed to require approval of the full engineering details prior to any works commencing on site.

### Emergency Access

The proposed development of 76 no. dwellings in addition to the existing 224 no. dwellings at Gwernheulog, The Meadows and Highfields would result in 300 no. dwellings being served by a single point of access and would therefore require the provision of an emergency access in accordance with The Council's SPG: Access, Circulation and Parking. The amended plans show the proposed emergency access which would benefit residents of Gwernheulog, The Meadows and Highfields in addition to the proposed development. The emergency access would be 4.5m wide between the development site and the lane leading from Tylcha Wen Terrace past Celyn Isaf to Tylcha Fach Farm and constructed in grasscrete construction with access controlled by lockable field gates. Emergency services would be able to remove the locks to bring the access into use. The sub-standard lane is to be reconstructed and the existing drainage system improved between the grasscrete emergency access and the access to Tylcha Fach Farm which is considered acceptable and can be secured by condition.

As such it is considered the proposed emergency access is of an appropriate design and location and is therefore considered acceptable.

### Internal Access Roads

The proposed internal access road would incorporate a 5.5m wide carriageway with 2m wide footways on each side with adequate turning facilities to cater for calling service and delivery vehicles. As such it is considered acceptable. It is noted however that further details would be required in respect of road gully drainage together with the location of salt bins, street lighting and the pedestrian link path to Highfields, but this can be obtained via condition.

### Parking Provision

There is concern that the arrangement of off-street parking shows properties with up to three parking spaces provided in tandem which could result in increased on-street parking due to the inconvenience associated with tandem parking arrangements. However, the parking requirement in accordance with the aforementioned SPG would be

between 180 no. and 212 no. spaces with 206 no. proposed and short term visitor parking accommodated on-street. The shortfall of 6 no. spaces is associated with the social rented dwellings where published information shows that this type of accommodation has lower levels of car ownership. Therefore the parking provision for the development is considered acceptable in this instance.

### Sustainable modes of Travel

The TA highlights CIHT publication 'Planning for Cycling' and indicates that cycling is a potential mode of travel for local trips of up to 2 miles, and identifies Llantrisant and Tonyrefail as being within easy cycling distance via an Active Travel Shared use route, however, a safe route to access the Active Travel Route is not identified. The Council has identified proposals for an Active Travel Route Scheme to provide an extension of an existing Active Travel Route from Coedely to Tonyrefail and provide links between NCN Route 4 and the Church Village Community Route and linking to future employment sites at the former Coedely Colliery site. The proposed route passes close to proposed development site and therefore a contribution of £10,000 would be required towards the cost of implementing the scheme to encourage use of walking and cycling as sustainable modes of travel.

It also noted that a Travel Plan and Travel Strategy has not been provided to allow an assessment of the site in terms of access to sustainable modes of travel to be undertaken beyond the information included within the TA, however, the requirement to provide a residential travel plan can be secured by a suitably worded condition.

In conclusion, in light of the above highway assessment, whilst the concerns raised by the objectors in this respect are acknowledged, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site, subject to the conditions/S106 agreement detailed below.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division. They did however note that following an assessment of the applicant's Site Investigation Report, whilst they agree that there is a low risk to human health and controlled waters receptors from contamination on and off site, the potential of ground gas from worked mine seams has not been addressed. There is evidence of shallow underground mine workings at surface level, possibly encroaching onto site. Within the Geotechnical Hazards and Constraints section of the report it states that underground mining (shallow) and mine entries (shafts and adits, bell pits) could be present on site, and ground gas can source from mine workings. As such further information is required but this can be supplied via condition.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

## **Historic Mining Activities**

The application site lies within a defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue consultation with the Coal Authority (CA) was undertaken.

The CA commented that a thick coal seam (Mynyddislwyn Lower Leaf) is conjectured to outcrop to the south eastern part of the site. Due to the direction that this coal seam is dipping, shallow workings within the coal seam are likely to be present beneath this specific part of the site. The planning application is accompanied by a Desk Study Report which has been informed by an appropriate range of sources of information. Based on this review of existing historical, geological and up-to-date coal mining information, the risk from unrecorded workings within the Cefn Glas coal seam cannot be discounted. Accordingly, appropriate recommendations have been made that intrusive ground investigations are considered necessary in order to establish the general geology and to assess the mining risk further. The nature and extent of these intrusive investigations will need to be agreed with the Coal Authority's Licensing and Permitting Department as part of the permissions process. The Coal Authority considers that in the event that coal and or workings are found due consideration should be afforded to gas protection measures. Once the exact ground conditions have been established a competent person can then confirm and design an appropriate mitigation strategy such as grouting and stabilisation works, specific foundation design and/or gas protection measures, if deemed necessary, to ensure the safety and stability of the proposed development.

Therefore, based on the above, the CA consider that an adequate assessment of the coal mining risk associated with the site has been carried out (as required Policy AW10 and PPW), but conditions are suggested in order to ensure the intrusive site investigations recommend in the submitted report are undertaken prior to any development works being undertaken on site.

## **Ecology**

Although the application site primarily comprises two agricultural fields of improved pasture with boundary hedgerows and trees, it is likely to host a range of fauna and flora. Furthermore, it is located in close proximity of the nearby Rhos Tonyrefail SSSI (approximately 200m). As such any potential impact upon ecology in the locality is a key consideration of the scheme.

In light of this fact the application is accompanied by an ecological assessment which makes several recommendations in regard to mature and semi-mature trees around the margins of the site, the possibility of tree-use by bats, general considerations for wildlife conservation and enhancement, and implementation and supervision. Following assessment of the report neither the Council's Ecologist or Natural Resources Wales raised any specific concerns, however, the ecologist has suggested that the applicant enter in to a Section 106 agreement with the Council to ensure the mitigation proposed is implemented on site and is retained and maintained in future.

## **Land Drainage and Flood Risk**

No objections have been raised by the Council's Flood Risk Management (FRM) Section following consultation. It was noted during their assessment of the scheme that the applicant has not provided sufficient site drainage details with the application to fully assess the potential impact of the proposed development in respect of drainage/flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requiring full site drainage details be submitted to and approved by the LPA prior to any development works starting on site.

It is also noted that no objections were received from Dwr Cymru Welsh Water, subject to standard conditions and advice.

In light of the above advice, the development is considered acceptable in respect of site drainage, subject to the condition detailed below.

### **Archaeology**

Following consultation the Glamorgan Gwent Archaeological Trust (GGAT) has advised that the mature hedgerows that bound the site are of local importance in connection with a number of features that were identified on the adjacent development site. As such it is recommended that they should be recorded in line with the methods previously undertaken and a condition to this effect is suggested.

### **Education Provision**

Following assessment of the proposal the Council's Education and Inclusion Section has commented that the schools that currently serve this area have levels of surplus capacity less than the WG's recommended level of 10% to allow for flexibility for in year movement. As such it is their view that more school places will need to be created in the locality in order to accommodate the residents that would be generated by this development. It is considered however that appropriate funding to mitigate any impact the development may have upon the education provision in the locality can be secured through the Community Infrastructure Levy payment associated with the scheme. As such no objections are raised and no financial contribution required via a S106 agreement.

### **Play and Recreation Facilities**

Given the topography of the site and the nature of the proposed layout, whilst a considerable amount of public open space has been provided, it would be difficult to include any formal children's play facilities (LEAP/LAP) on-site without significant and costly engineering works. Consequently the applicant has instead offered to make a contribution of £80,000 to the Council towards the provision play facilities off-site, but within the Tonyrefail Ward.

It is considered that this sum is appropriate, being more than £1000 per dwelling, and would make a significant contribution towards the installation of new play facilities in the town or the improvement of current facilities, benefiting residents of the wider town rather than just the new development. As such, whilst the provision on-site facilities would be preferable, given the factors highlighted above, it is considered that this option is

appropriate and reasonable in this instance. The proposed contribution would be secured via a S106 agreement.

### **Impact upon Mineral Resources**

It is noted that the application site is located within an area noted for its sandstone resources and that Policies CS10 and AW14 seeks to safeguard minerals from development that would sterilise them or hinder their extraction. However national policy restricts the extraction of aggregates within 200m of settlements. Therefore as the site directly adjoins the settlement of Coedely, mineral extraction could not take place in this area. Furthermore, even if the safeguarding area on the application site was to remain, to allow a buffer for extraction further afield, the proximity of SSSI and existing farm houses in the vicinity, along with very poor highway connection, would undoubtedly prevent a new sandstone extraction site in this area.

### **Other Issues**

It is noted that no objections were received from Wales and West Utilities, Western Power Distribution, National Grid, South Wales Police or South Wales Fire and Rescue Service, subject to standard conditions and advice.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- A number of objectors have commented that development works appear to have started on site without planning permission. Members are advised that the minor works that have taken place at the site entrance has been investigated by the Council and it has been established that it relates to the relocation of the builders compound belonging to the applicant to facilitate the completion of the last stages of construction activity on the adjacent Highfields site, which is permitted under provisions in the Town and Country Planning (General Permitted Development) Order 1995.
- With regard to the issue raised by objectors in respect of views from neighbouring properties being obscured, this is not material planning consideration and cannot be taken into account during the determination of the application.
- Objectors commented that whilst it is accepted new homes are required in RCT, especially affordable units, houses of the nature proposed and the likely sales prices cannot be considered affordable to most RCT residents. As set out above, Members are advised that the scheme complies with the relevant affordable housing requirements of the LDP and is therefore considerable acceptable in this regard.
- Objectors have commented that the additional residential units would put further pressure on existing local facilities such as doctors, dentists, etc. Whilst there may be some merit to this point, no evidence is offered to support this claim or that there is any demonstrable need for further healthcare provision in the area.

- Existing residents of the adjacent Highfields development have commented that they bought their homes under the premise that the fields to the rear (the application site) would not be developed in future which was promised by the developer/applicant prior to purchasing. This is private matter between the two parties and cannot be taken in to account during the determination of the application.
- A number of objectors have stated that the developers have told surrounding residents that the Council approached them to develop the plot and consequently this application has been pre-determined. Members are advised that whilst the LPA had been involved in some pre-application discussion with the developer, as is normal with an application of this type and scale, the developer was not approached by the Council requesting they submit an application at the site.

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

Section 106 (S106) 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 S106, may only legally constitute a reason for granting planning permission if it is:

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

National guidance 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 LDP and the Council's SPG: Planning Obligations.

In this case the developer will be required to enter into a S106 agreement with the Council for the following:

- Affordable Housing – the provision of 20% of the units on site as affordable housing as set out by the applicant.
- Ecology/Landscape – the delivery of a Tree/Hedgerow, Landscape Buffer and Public Open Space Mitigation/Management Plan, to be maintained in perpetuity.
- Highways - undertake statutory consultations in respect of any traffic orders associated with the proposed development, including the implementation of such orders granted by the Highway Authority (estimated cost £3500); and, to make financial contribution of £10,000 towards the implementation of RCT Active Travel

Schemes (Routes ref. RCT-INM-S24), to improve access to local amenities and facilities by non-motorised means.

- Play Facilities - make an £80,000 contribution towards the improvement of existing outdoor play facilities / the provision of new outdoor play facilities in the Tonyrefail Ward.
- Employment Skills - the agreement of an employment skill training plan.

### **Community Infrastructure Levy 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 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £334,614,06.

### **Conclusion**

Whilst it is accepted the application site is located outside of settlement limits, it is considered to be within a sustainable location in terms of access to services, amenities and public transport. Furthermore, it is not considered development of the plot would result in unacceptable harm to its surroundings. Additionally, the scheme would provide for much needed housing, including a significant number of affordable units, in an area where there is a significant demand. Consequently, following a full and balanced consideration of all relevant policies, the proposed development is, on balance, considered acceptable in principle.

In addition, the proposal is considered acceptable in terms of all other relevant material planning considerations including landscape impact, impact upon the surrounding residents, and highway safety.

The proposed development therefore complies with the relevant local and national planning policies and is considered acceptable, subject to the S.106 agreement set out above and the conditions detailed below.

### **RECOMMENDATION:** Approve, subject to Section 106 Agreement

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- TP-01 Rev. C
- EW-01 Rev. L
- THOR-36
- ROX-35
- HF-01 Rev. A
- C-140
- C-130 Rev. 1
- C-125
- C-110 Rev. 2
- C-100 Rev. 8
- C-101 Rev. 6
- C-102 Rev. 6
- C-103 Rev. 6
- C/S38-2 Rev. 3
- C/111-PH1 Rev. 1
- LP-01
- GAR-01
- 211-01
- BUR-02
- CAM-01
- HY-01
- HY-02
- ROC-01-V1
- ROC-01-V2
- ROX-01
- SHE-01-V1
- SHE-01-V1
- SHE-01-V2
- THOR-01
- THOR-02
- EA-01
- SS-01
- C-112-1 Rev. 1
- C-112-2 Rev. 1
- 31169S-1 Rev. A
- 31169S-2 Rev. A

received by the Local Planning Authority on 03/01/19 and 17/05/19, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures

unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk-top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

4. The dwellings hereby approved shall not be occupied until the measures approved in the scheme referred to in Condition 3 have been implemented and a suitable validation report of the proposed scheme is submitted to and approved by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

5. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

6. Notwithstanding the submitted plans, no work shall not commence on site until full engineering design and details of the internal access road and junction with Highfields, including sections, street lighting, highway

structures, traffic management measures, turning 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 unless agreed otherwise in writing by the Local Planning Authority.

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

7. Notwithstanding the submitted plans, no work shall commence on site until full engineering design and details of the emergency access including details of the reconstruction of the lane, drainage improvements and measures to restrict unauthorised access have been submitted to and approved in writing by the Local Planning Authority. The emergency access shall be implemented in accordance with the approved drawings prior to beneficial occupation of the first dwelling unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the timely delivery of the emergency access to the proposed development, in the interests of the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No works shall commence on site until a Traffic Regulation Order for the prohibition of parking at the un-named road linking Tylcha Fach and Ely Valley Road as shown on drawing 1194-003 Rev A has been completed and implemented to the satisfaction of the Local Planning Authority, unless agreed otherwise in writing by the Local Planning Authority.

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

9. No development shall commence on site, 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 the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The residential units hereby approved shall not be brought in to beneficial occupation until the drainage works have been completed in accordance with the approved plans.

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

11. No development shall commence on site until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in "Land at The Meadows, Tonyrefail, Rhondda Cynon Taf" (GGAT Projects Report no. 2011/082, dated November 2011).

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development or site clearance shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing mature trees on site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development site die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing mature trees on site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. No development shall take place until a Species and Habitat Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriate scale plan showing Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed;
  - d. Details of specific species and habitat mitigation measures for key species as identified in ecological assessment work submitted in support of the planning application, and to include bat and bird roosting and nesting provisions with the new buildings;
  - e. Details of wildlife sensitive lighting proposals;
  - f. Details of water pollution control measures;
  - g. An agreed scheme of progress reporting to the Council during the construction program.

Persons responsible for:

- i. Compliance with legal consents relating to nature conservation;
- ii. Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- iii. Installation of physical protection measures and management during construction;
- iv. Implementation of sensitive working practices during construction;
- v. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi. Specific species and Habitat Mitigation measures;
- vii. Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

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

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

15. No development shall take place until a Tree and Hedgerow Management Plan for Construction has been submitted to and approved in writing by the Local Planning Authority.  
The plan shall include:
- a. An appropriate scale plan showing Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;

- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction, and the maintenance of those features during construction;
- c. Details of pre-construction tree management works;
- d. Pre-construction reporting to the LPA with evidence that tree and hedgerow protection measures are in place, and a scheme of monitoring reporting to the LPA during construction;
- e. Details of the persons responsible for compliance with all elements of the tree condition works.

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

Reason: In the interests of ecology and to afford protection to tree/plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

16. All HGV deliveries during the construction period shall only take place between the hours of 09:00am and 16:30pm on weekdays to and from the site.

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

17. 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.

18. No development shall commence on site until intrusive site investigation works have been undertaken on site and a subsequent report of findings arising from the investigations has been submitted to and approved in writing by the Local Planning Authority. Should the investigations find that any remedial works and/or mitigation measures must be undertaken on site, a subsequent report detailing the relevant works shall be submitted to and

approved in writing by the Local Planning Authority prior to any works starting on site. The scheme, as approved, shall be carried out in accordance with the approved details prior to beneficial use of the proposed development, unless agreed otherwise 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.



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**PLANNING & DEVELOPMENT COMMITTEE**

**7<sup>TH</sup> NOVEMBER 2019**

**SITE MEETING**

**APPLICATION: 18/1423/10 - RESIDENTIAL DEVELOPMENT OF 76 DWELLINGS TOGETHER WITH ASSOCIATED WORKS (AMENDED PLANS RECEIVED 17/05/19), THE MEADOWS, COEDEL, TONYREFAIL.**

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

**Author:** Hannah Williams, Council Business Unit.

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

It is recommended that Members:

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

**3. BACKGROUND**

- 3.1 In accordance with Minute No 93 (Planning and Development Committee – 19<sup>th</sup> September 2019), a site inspection was undertaken on Thursday 10<sup>th</sup> October 2019 to consider the location of the proposed development and its sustainability in relation to transport links.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors G. Caple, D. Grehan, G. Hughes and J. Williams.

- 3.3 The Local Member, County Borough Councillor D. Owen-Jones was also present at the meeting.
- 3.4 Apologies for absence were received from Committee Members - County Borough Councillors S. Rees, S. Powell, W. Owen, P. Jarman, R. Yeo, J. Bonetto and D. Williams.
- 3.4 Members met at the proposed entrance to the development, at the south-west corner of the plot via an existing access spur between Plots 113 and 115 of the 'Highfields' development. Members also took a walk to the proposed site, located at the adjacent Green field land.
- 3.5 The Planning Officer in attendance informed members that full planning permission is sought for the construction of 76 mixed, residential properties at the application site together with associated access, parking and landscaping.
- 3.6 The Planning Officer advised that 13 letters of objection were received from local residents and 1 from Tonyrefail Community Council following the initial consultation process; and that following the submission of amended plans on 17<sup>th</sup> May 2019, the application was re-advertised and a further 30 letters of objection were received from surrounding residents reiterating the initial concerns; and a letter from Mick Antoni AM was also received which raised concerns in respect of the potential increase on demand of existing doctor surgeries and the proposed access and increase in the volume of traffic.
- 3.7 Committee Members were informed that a key consideration in respect of the application is the principle of residential development outside of the established settlement boundary. Although this is generally contrary to the requirements of Planning Policy Wales Edition 10 and the LDP, the officer went on to speak of Policy AW2 of the LDP, which contains nine criteria to ensure that developments are sited within sustainable locations, five of which were relevant to the above-mentioned application. As the development would essentially form an extension to the Highfields residential development, it would not conflict with surrounding uses and would adjoin the settlement boundary. Furthermore, the officer advised that a primary school and convenience store are located in walking distance to the proposal; alongside the facilities of Tonyrefail town centre, which Members acknowledged is further away.
- 3.8 In light of the above and given that the housing land supply in RCT is only 1.3 years in comparison to Welsh Government's recommended 5 Year land supply, the Planning Officer advised that the site is considered to be sustainable, viable and readily available for development.

- 3.9 The Planning Officer spoke of the potential impact upon ecology in the locality, which was a key consideration of the scheme and explained that the proposed development would be located approximately 200 metres from the nearby Rhos Tonyrefail SSSI. Referring to the ecological assessment, which accompanied the application, the Planning Officer advised that there were no specific concerns in relation to ecology, and assured Members that, if approved, there was a requirement for the applicant to enter into a Section 106 agreement to ensure the mitigation proposed is implemented on site and is maintained in the future.
- 3.10 Members noted that the applicant had failed to provide a sufficient site drainage assessment and were informed that a condition was included within the original report, which if consent were granted, would require a full site drainage report to be submitted and approved prior to any development works starting on the site.
- 3.11 Members queried the impact on highway safety and access, which was a key objection raised by local residents. The Highways Officer advised Members on access, circulation, parking and traffic impact assessment as follows:-
- (a) Access: The proposal is for 76 dwellings, which coupled with Highfields, The Meadows and Gwern Heulog would result in 300 dwellings thus requiring a primary means of access and an Emergency access as set out in the adopted SPG and the proposal complies with such requirements. The off-site highway improvements would consist of carriageway improvements at the junction of emergency access with adopted lane and double yellow lines along the eastern side of the un-named road between Tylcha Fach/Gwern Heulog and Ely Valley Road junctions.
  - (b) Internal Road: The proposal provides satisfactory road and footway geometry in compliance with the relevant technical design criteria to cater for safe vehicular and pedestrian movements.
  - (c) Parking: The parking provision is in compliance with the adopted SPG.
  - (d) Traffic Impact Assessment: To establish baseline traffic, developer has undertaken traffic survey (June 2018) and superimposed trip generation from the proposed development. The junction capacity analysis undertaken indicates spare capacity not to warrant any mitigation measures. However, to improve highway safety and free flow of traffic, parking restrictions will be extended at un-named road, linking Ely Valley Road to Tylcha Fach and Gwern Heulog.

- 3.12 Following queries from Members in respect of the Traffic Survey and subsequently additional dwellings being built, the Highways Officer advised that there was substantial spare junction capacity to accommodate additional traffic and the impact would not be significant warranting further assessment.
- 3.13 Committee Member/Local Member County Borough Councillor D. Grehan and Local Member, County Borough Councillor D. Owen-Jones spoke on the application. Referring to the report, which outlined that the proposed development would be accessible via vehicle, walking, cycling and a nearby bus stop, one Member gave an example of a person carrying multiple shopping bags or a pushchair walking to the development and commented that it would be impracticable. Reference was also made to the evidence, which suggests that social housing requires less parking provision, with the Member raising concerns about the walking distance to local amenities for those without access to a vehicle. Concerns were also raised about the location of the development and the potential of residents using the sub-standard emergency access as a primary means of accessing the dwellings.
- 3.14 The Chair thanked the officers for the report and closed the meeting.