

## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 16/1385/13 (GD)  
**APPLICANT:** Talbot Green Developments Ltd  
**DEVELOPMENT:** Outline planning application for the erection of approximately 460 dwellings, primary school, local centre (up to 200 sqm net sales), open space and associated drainage and landscaping (New Certificate B submitted 6th April 2017) (Amended Agricultural Holdings Certificate received 30th August 2017)  
**LOCATION:** LAND WEST OF A4119, CEFN YR HENDY, MWYNDY, PONTYCLUN  
**DATE REGISTERED:** 30/08/2017  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION:** Approve subject to a S106 agreement.

### REASONS:

The proposed development has the potential to deliver a mix of private and social housing that can make a substantial contribution to addressing the housing land supply shortage in the County Borough. The principle of the proposed development is considered acceptable on the basis that the site is allocated for residential development in the adopted Rhondda Cynon Taf Local Development Plan and the specifics of this application for outline planning permission are acceptable in terms of all other material planning considerations.

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### REASON APPLICATION REPORTED TO COMMITTEE

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

### APPLICATION DETAILS

This planning application seeks outline planning permission for the construction of up to 460 dwellings, the provision of land for a school, a local centre providing circa 200 sq m retail floorspace (Class A1), a neighbourhood equipped area for play (NEAP) three local equipped areas for play (LEAP) and one local area of play (LAP) along with all associated landscaping infrastructure and internal access arrangements.

It is intended that the site would be developed in three phases each comprising approximately 153 dwellings. Affordable housing and play areas/public open space will be provided on a pro rata basis through the development of the site and retail provision can be provided in accordance with policy requirements.

In accordance with the requirements of the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 the applicants have provided the following detail as the upper and lower limits for height width and length for the development.

*Residential*

Height to ridge	Maximum 3 storey	8m – 12m
Width	Detached	4m – 12m
	Semi detached	8m – 20m
	Terraces	12m – 25m
Depth		5m – 13m

*School*

Height to ridge	Maximum 2 storey	11m
Width		60m
Depth		15m

*Local Centre Unit*

Height to ridge	Maximum 2 storey	9m
Width		25m
Depth		10m

The only matter not reserved for further consideration at this point are the two principal access points that will be serviced from the existing estate roundabout spurs.

The application is accompanied by the following:

- Pre application consultation report
- Design and access statement
- Extended phase 1 habitat survey
- Bat emergence/return and activity survey
- Dormouse presence/likely absence survey
- Reptile presence/absence survey
- Tree survey report with supplementary tree location plan, tree constraints plan and tree protection plan
- Noise assessment
- Air quality assessment
- Drainage strategy
- Transport assessment and travel plan
- Interim travel plan
- Landscape visual impact assessment
- Archaeology desk based assessment and setting assessment

- Non Technical summary – environmental and geotechnical desk studies
- Geo-technical desk top report
- Coal mining risk assessment
- Phase 1 environmental assessment.

The application has also been screened under the requirements of the Environmental Impact Assessment (EIA) (England & Wales) Regulations 1999, (which would have been the appropriate method at the time it was undertaken in 2015) and the Council expressed the opinion that the development was not EIA development and would not require an Environmental Statement. The relevant regulations were updated in 2016 however there are no alterations in the updated regulations that would warrant a different conclusion in this case from that originally made.

## **SITE APPRAISAL**

The application site is comprised in some 19.8 hectares of land formed in an L shape around and to the north of the established residential development at Cefn y Hendy, Miskin. The site is situated between Coed Yr Hendy on its western and some of its northern boundary with the remainder of the northern boundary only defined by hedgerow and trees. The eastern boundary is largely defined by the A4119 save for where it tracks around Ty Cefn Parc, and the southern boundary is otherwise defined by the established residential development in the area. The topography of the area can best be described as undulating with principal falls from north to south for the majority of the site with the eastern part of the site falling from west to east. The highest part of the site lies in the western part of the site with the lowest in the east.

The site is comprised of a series of fields defined by hedgerow and some key mature trees. Other than for an overgrown derelict brick structure there is no built development on the site.

At present vehicular and pedestrian access to the site is gained through Ffordd Cefn Y Hendy the principal road serving as access to the existing estate. A Public Right of Way crosses the site in a northerly direction towards Llantrisant and a second Public Right of Way runs through the woodland adjacent to the western boundary of the site

The estate itself is a relatively recent development that has come forward over the last 20 – 25 years for the most part. The estate is typically a combination of detached or semi detached properties finished in brick and render combinations with conventional roof tiling and occasional feature detailing such as cast lintels and cils. The estate is also home to Ysgol Gynradd Gymunedol Gymraeg Llantrisant.

In the wider area, and within approximately half a mile of the site boundary, there are a number of amenities such as the Glamorgan Vale retail Park and Talbot Green Shopping Park and its adjacent town centre whilst alternative shopping options are available to the south west in Pontyclun. The Llantrisant Leisure Centre is a little further away from the site at Southgate.

The site is affected by a number of designations directly adjacent to it, The Local Development Plan designates the woodland and open space as both a Special Landscape Area (SLA) and Site of Importance for Nature Conservation (SINC). There are also designated Regionally Important Geological Sites (RIGS) to the north and east of the site. The site is not subject of an air quality management designation though the Mwyndy Air Quality Management Area lies nearby.

## PLANNING HISTORY

06/0690	Widen existing quarry entrance on B4264	Refused 24/11/06
03/1674	19.1 hectare mixed use development comprising B1 business development and residential units	Allowed at appeal 23/10/08

## PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters on two occasions, the second following the submission of Certificate B on the part of the applicant relating to land ownership. At the time of preparation of this report 243 letters of objection have been submitted opposing the proposed development (including those from the local MP and three local AM's, the local Community Council, The Ramblers and Pontyclun Action Group) on grounds reported below. Additionally Members are advised that a 695 signature petition opposing the proposed development circulated on line has been submitted in opposition to the current application. The vast majority of signatories can reasonably be described as living within the local area though there are some from other areas of the County Borough (Treorchy, Porth, Mountain Ash), as well as some from the wider south Wales Area. There are also signatures from people resident in England, Scotland and abroad.

### Planning Policy Issues Raised by the Public

- *Development of the site was resisted as long ago as 1983 and has been successfully resisted through subsequent local plans.*
- *Previously advance notice was given that the Local Development Plan was under consultation and residents had the opportunity to air their views which does not seem to have happened in this case.*
- *The LDP is clear that the development of this site must be associated with the provision of a grade separated junction and this submission makes no such provision and as such is contrary to the Local Development Plan. Unless there is a condition on the developer to provide a grade separated junction that allows access from School Road across the A4119 then this application should not be approved, particularly as an earlier appeal encompassing this site indicated that it was required. Conversely one resident objects to the provision of a grade separated junction on the basis of its potential appearance.*

- *Given traffic conditions the removal of the grade separated junction from the development of this site cannot be justified, and if the building of this junction makes the proposed development unviable then the site should be removed from the Local Development Plan as an allocated housing site and replaced with one better able to cope with the traffic requirements of a development of this size.*
- *The Local Development Plan allows for up to 400 dwellings and the proposed development seeks a significantly higher number and increasing high density development on the site which is contrary to the stipulations of the Local; Development Plan.*
- *The Local Development Plan is clear that there should be lower density development next to the existing settlement with higher density housing closer to the A4119 yet the application seeks to reverse these densities and the application should at the very least be revised to reflect Local Development Plan requirements.*
- *Why as a matter of policy would the Council favour the development of Greenfield sites ahead of brownfield sites when advice points in the opposite direction.*
- *If this development is allowed it will lead to the coalescence of Miskin and Talbot Green.*
- *The proposal does not meet the sustainable placemaking principles set out in the Local Development Plan.*
- *The proposed development would be contrary to governmental guidance contained in planning policy guidance note 3 Housing and those contained in the former Mid Glamorgan Replacement Structure Plan and the former Taff Ely Local Plan.*
- *Others have suggested that it is contrary to the content of the National Planning Policy Framework.*
- *One of the criteria that the LDP sets out for sustainable growth in the south of the County Borough is the protection of the cultural identity of the strategy area by protecting the historic built heritage and the natural environment.*
- *The Local Development Plan is in need of review in light of the popularity of the wider Talbot Green/Llantrisant area.*
- *The reliance on the provision of sustainable transport measures as relied upon in the Transport Assessment is questioned as the appointed inspector at the inquiry into the Local Development Plan recommended the deletion of park and ride/ park and share facilities from the strategic site.*
- *It is claimed that the density of the proposed development – an increase of 15% over the LDP allocation – would be contrary to the LDP objective of delivering a better quality of life.*
- *The need for further housing is questioned given that in the wider area 8000 houses are likely to come forward at Plas Dwr and Junction 33.*

- *The issue of the five year housing land supply requirement is challenged on the basis that the number of units required in the LDP are based on projections prepared in a time of housing boom and high predicted inward migration. Current projections are now far more modest with a claimed household formation rate at only just over 50% of the original projections meaning that provision of housing sites in the LDP is now twice that of projected need as such in appraising this application the Council should not accept that there is a need to maintain a five year housing land supply as required by TAN 1 Joint Housing Land Availability Studies and should consider judicial review of the imposition of such targets by Welsh Government or the Planning Inspectorate.*
- *The proposal is not in compliance with Local Development Plan policy SSA20 which requires the provision of a park and ride/park and share facility on land adjacent to the A4119 and B4264 School Road.*
- *The existing local development plan map is out of date in that it does not show more recent development around and including the Welsh Medium Primary School. This fails to illustrate fully the coalescence of Pontyclun and Miskin.*
- *Part of the site currently within the application site boundary does not form part of the strategic allocation and extending southwards towards the eastern roundabout adjacent to the Welsh school.*
- *The view is also expressed that the proposal would be contrary to local development plan policy SSA13 as it will adversely affect the provision of open space.*
- *Concern is expressed that the proposal does not meet the requirements of Local Development Plan policy SSA3 which requires that development should make a positive contribution to the reduction of congestion by promoting accessibility through sustainable modes of transport.*

#### Highway and Transportation Related Issues Raised by the Public

- *The proposed development would add substantially to the number of houses at Cefn Y Hendy and introduce a tremendous amount of traffic into what is currently a very peaceful area.*
- *Access roads are heavily congested for prolonged periods of time through the day.*
- *There have already been traffic related fatalities and casualties on the dualled A4119 and adding to the volume of traffic would only increase the potential for further accidents. It is also noted that the detail submitted by the applicants takes account only of accidents up to 2014 and there have been fatalities since then on the A4119*
- *The proposed development would only exacerbate existing traffic congestion in Pontyclun.*

- *Access for the emergency services would be constrained by the access arrangements and road layout.*
- *Increased congestion on the principal arterial routes will lead in turn to an increase in traffic seeking out alternative routes to the M4 through Miskin Village and along Hensol Road which is not designed to accommodate such volumes.*
- *The highway infrastructure will be unable to cope with the new development and without improvements particularly in terms of access to the A4119 and M4 that will lead to gridlock in the area – a situation that should not be contemplated. This will also be exacerbated by recent approvals in north west Cardiff which do not propose any highway improvements in linkages between the A4119 and M4.*
- *The submitted Transport Assessment is disputed with regard to the figures quoted in terms of its impact on School Road/A4119 junction which already does not function efficiently as motorists often have to endure several sequences of changes before they can access the dual carriageway.*
- *The submitted Transport Assessment is not representative of existing traffic conditions on the A4119 and the development will add substantially to the amount of traffic accessing the road at peak hours impacting adversely on existing users nor does the transport assessment even consider the impact of the development on the access to the M4 itself.*
- *The Transport Assessment also relies on a number of assumptions in respect of the Welsh Government investing in the upgrading of transport facilities as yet though there is no commitment to the delivery of those facilities*
- *The train service at Pontyclun is infrequent and parking provision inadequate and allowing this development will only exacerbate this situation. The development should therefore make proportional provision to improve the parking situation at the station.*
- *The Transport Assessment is unrealistic in the assessment of alternative modes of travel to the car and the contribution they could make to the development. Trains at Pontyclun are congested and bus services are on, and via the already congested roads, it is also questioned as to whether there will be further engagement with Arriva Trains to establish if services from Pontyclun can be improved as a result of this development.*
- *The claim that traffic impacts can be reduced by new residents using Pontyclun railway station are based on a false assumption, as without significantly increasing car parking capacity at the station new residents will have no alternative other than to use the car with the resultant addition to congestion that it would bring.*
- *The Transport Assessment is unrealistic in its assumption that the majority of amenities are available within 30 minutes walking distance or are easily reached by bicycle, as this takes no account of the propensity for people to*

*make linked rather than single trips and does not take account of the ability of the individual to make such trips on foot.*

- *The site is not readily accessible on foot or more sustainable forms of transport, lacking as it is in walking and cycling connectivity, from the shopping areas of Talbot Green or Pontyclun. The proposed cycle route is a tick box gesture to the active travel measure offering only a route that exposes potential users to the traffic and which would be constrained by the bridging of the River Clun and the A473/A4119 roundabout. Better options exist to the north of the site that could be brought forward as part of this development. This approach would also offer the opportunity for the Council to take ownership of the Coed Yr Hendy and Pant Marsh.*
- *The presence of a school in the development will only serve to exacerbate congestion at key times of the day.*
- *The supporting documentation provided for illustrative purposes illustrate potential pedestrian and cycle links, key pedestrian links, movement plans and illustrative masterplan all portray slightly different approaches to non car related movement through the site and between the site and the wider locality which is disappointing as it gives the impression that footpaths are not high on the developers agenda.*
- *The proposal lacks a strategic approach and the site has been divorced by the applicant from the wider area without due consideration of the need to properly address highway capacity, infrastructure, public transport provision, the capacity of public services and amenities, connectivity and air quality.*
- *The proposal does not make provision for park and ride/park and share facilities at Miskin and does not fit with policy SSA20 of the Local Development Plan.*
- *Reference is made to the potential cost of dualling the A4119 between Llantrisant and Coedely at Stinkpot Hill and this being a hurdle to the development of the former Coedely coke works site.*
- *If there are deaths on the roads as a result of the increased traffic that the development will bring about then the Council should be held responsible.*

#### Amenity Issues Raised by the Public

- *Higher density development and its consequences will adversely impact the appearance of the area.*
- *Agreeing to this development will result in a change in character of the area, landscape and green areas will be lost to roads traffic and obstacles to navigate around.*
- *The impact of congestion on Pontyclun as a result of the proposed development could result in people avoiding the village and shop closures.*
- *Development of the site will result in the loss of green space that residents regularly use for informal; recreational purposes such as walking picnicking*

*and playing. Its development would represent a loss on a physical, emotional and spiritual level – the application should not be considered unless the developers can demonstrate that a substantial and pleasant green space will be available for current and new users.*

- *Objection is also raised on the basis that the proposed development does not meet fields in trust standards. For the provision of public open space and play areas.*
- *Development of the site will result in the loss of its visual and aesthetic quality and the views that it affords of the wider locality.*
- *The green space to be retained between existing and proposed development is not large enough.*
- *The sense of openness that existing residents currently benefit from will be lost to development that will present and reinforce a feeling of enclosure.*
- *Put simply 460 dwellings is too many for this site and the houses appear crammed in on the high density elements of the proposed development.*
- *The development will generate a tremendous amount of noise and dust through the development process.*
- *The development would also have an adverse impact on the Miskin conservation area, increasing the use of the Hensol Road rat run and increasing noise and pollution for local residents.*

#### Archaeology Related Issues Raised by the Public

- *To recommend as the planning statement does, that no further archaeological work should be carried out during the course of development is unconvincing when the rich history of mining around the area is given full and proper consideration.*

#### Health Issues Raised by the Public

- *Increases in traffic will lead to increased noise and pollution which will prove detrimental to human health. Receptors in the area are already showing to be above acceptable levels for NO2 and traffic associated with the development of this site will only add to that.*
- *The proposed development lacks sufficient green space to benefit adults and children alike at a time when it is recognised as vitally important in maintaining physical and mental well being.*
- *What consideration has been given to the impacts of the development on air quality in the immediate vicinity of the site and in the wider area with particular reference to the A4119 and A473 – these matters need to be given proper consideration in relation to this planning application.*
- *The conclusion of the Public health and Protection Division that the air quality impacts of the proposed development are acceptable takes no account of the*

*proposed cycle/walking route adjacent to the A4119 and their observations are therefore inadequate.*

### Design Related Issues Raised by the Public

- *The scale of the development needs to be reduced so as to lessen its impact on the local community, the area as a whole and commuters from further afield.*
- *The plans propose medium and high density development which too often leads to inadequate provision of parking and garaging facilities to serve the development leading to congestion within the development. The density of development proposed would also be out of keeping with the established development form.*
- *Could the crossings at YGGG Llantrisant be upgraded as the additional traffic generated by the proposed development would increase hazards in proximity to the school?*
- *Could the proposed bus stop be moved closer to YGGG Llantrisant which would be to the benefit of all local residents or could one be added there too?*
- *The area given over to becoming a local centre is too small and of insufficient size to meet the needs of the community.*
- *If the masterplan is implemented in its current format it will lead to overlooking, overshadowing, and a loss of privacy to established housing. This would in places be exacerbated by difference in levels and the bulk and massing of the proposed houses.*
- *The masterplan does not show any playground at the moment provision should be made for such a large development particularly as the current play area at the end of Maes Y Wennol is over used.*
- *The masterplan shows tree lines where there are none and this will result in the development having a far greater impact on existing dwellings than the plan suggests.*
- *Conditions should be imposed on the new development that insist on the same high standard of finish that was applied to barn conversions in the area.*
- *Some residents have suggested that allowing the development would result in a coalescence of settlements.*

### Physical & Social Infrastructure Issues Raised by the Public

- *The site should not be developed as it contains mine shafts and shallow mine workings which could cause subsidence to or collapse of homes. The proposals do not appear to take account of solution features associated with limestone in the area.*
- *The proposed development will lead to the development of more houses in an area that lacks a community hub or focal point that would offer services and an opportunity for interaction. This failure will result in the development being*

*no more than a dormitory with residents entirely reliant on the A4119 and their cars for access to facilities.*

- *The promise of shops being provided in earlier phases of development has never materialised.*
- *Health service provision in the area is overstretched. And it would be sensible to reserve land in the proposed development for a primary health care facility in anticipation of the Local health Board being able to respond to increased demand. Further the level of disinvestment at the Royal Glamorgan Hospital means that provision levels cannot support further development.*
- *Schools in the area are oversubscribed and the locality requires 2 English medium primary schools. It is also claimed that the Welsh Medium School near the site is oversubscribed. Should this development come forward it should be on the understanding that the new school on site must be properly funded and in place and operational to foundation level.*
- *The final position adopted by the Education Department with regard to school provision is not acceptable as it sets aside the provisions of the Local Development Plan and the provision of the required school places is not specified in terms of location, timing scale and funding.*
- *Allowing the development would increase the risk of flooding to the newly redeveloped Y Pant School.*
- *Leisure facilities in the area (specifically swimming) are already oversubscribed and allowing the development would worsen this situation.*
- *There is a suggestion that the site might not be able to be drained in the manner suggested by the illustrative masterplan and this has consequences for drainage and the adoption of highways and the potential for securing other required consents.*

#### Ecology Issues Raised by the Public

- *The impact on the habitat of the dormouse (which benefits from favourable conservation status) needs to be properly evaluated in the context of this high density development.*
- *The impact on the Marsh Fritillary Butterfly, which is known to migrate through the green corridors in this area also needs to be properly evaluated and understood.*

#### Other Matters Raised by the Public

- *Claims that the proposed development has been inadequately advertised the timing of the advertisement exercise has also been criticised.*
- *Loss of light.*
- *Reduction in the current levels of privacy.*
- *Reduction in existing property values.*

- *Has the Council applied a needs analysis demonstrating how the volume and type of housing proposed is appropriate to the area?*
- *Concern is expressed that the same company may be responsible for the retail development (Sainsbury's) currently underway further north and that the project remains unfinished and it is therefore questioned whether or not the Council can rely on a company that has not yet completed a project in the area. It is also questioned if the Council are paying to prevent occupation of this site by Gypsies and Travellers.*
- *Assurances are sought that if consent is granted that the conditions required by NRW, The Coal Authority etc will be applied to any planning permission issued.*
- *Existing shops and retail parks in the locality are already being enlarged and inadequate access and parking facilities along with the addition of new housing will make this worse.*
- *Loss of view.*
- *How can residents be assured that there is no conflict of interest on this issue between senior management at RCT the Welsh Government and the Developers?*
- *Current residents might have purchased their properties with the existing aspect in mind and might not have done so had they been aware of further development taking place.*
- *The applicants efforts in respect of pre application consultation amount to no more than lip service.*
- *The proposed development if allowed should also make provision of public amenities to the properties at Ty Cefn Parc.*
- *Not developing the site would afford the opportunity to develop a parkland area for the benefit of residents that would also have ecological benefits.*
- *Some residents query why the provision of a park and ride facility at the former Highways Authority testing depot has not been included as part of this application.*
- *Consideration has been given to residential development on the former open cast coal site at Llanilid, Llanharan with a new Junction on to the M4 this of itself would solve the problem of meeting housing delivery targets and prevent the creation of further pressure on the A4119 and other local roads.*
- *Earlier applications for the building of 200 houses on this site were rejected 10 years ago and if it was not suitable for 200 houses then it is clearly not suitable for 460 houses now.*
- *It has been suggested that the land subject of the application is greenbelt land.*
- *The Council in considering the application must have regard to the requirements of The Well-Being of Future Generations Act 2016, The Environment Act 2016 and The Localism Act 2011, The Human Rights Act*

*1998, Wales – a play friendly country, statutory guidance 2014 and the United Nations Convention on the Rights of the Child.*

- *The site is part of the smaller village of Miskin and a development of this size would have an adverse impact on that community. The application should be assessed on this basis and not as part of the wider Llantrisant – Talbot Green proposals.*
- *The developer is also involved in the development north of the river adjacent to the Leekes store as ground works have been undertaken on that site and it is now unlikely to go ahead, if housing has to be provided it should be provided here rather than on a Greenfield site.*
- *Part of the site is covered by the original 1993 section 106 agreement with a requirement to provide up to 1000 sq m of retail floorspace and the Council should enforce that requirement.*
- *The development of the site will also lead to an increase in the Carbon footprint for the area.*
- *RCT officers would be failing in their duty both morally and possibly legally to the Council Tax payers who contribute to their salaries if this flawed application is recommended to proceed.*
- *In allowing this development the Council will only be creating problems that it will fall for future generations to solve and that is unfair.*
- *Has the tenant farmer been consulted with regard to this proposal?*
- *There is some criticism that the application is not accompanied by an agricultural land classification report and comparison has been drawn with earlier proposals promoting development at Ystrad Barwig which did.*
- *In addition to the letters of objection and petition 141 additional submissions have been made outlining how local residents have been using the land for amenity purposes over the years. Typically this would have covered activities such as dog walking, children playing various games, jogging, camping bird watching, fruit gathering, bonfire parties and bicycle riding.*

Turning specifically to the objections raised by the MP and local AM's the issues raised are largely addressed above though given their position they do afford insight into issues at depth with regard to the transportation situation in particular.

## **CONSULTATION**

Highways – having given careful consideration to the Transport Assessment and Transport Assessment Addendum submitted in support of the planning application no objection is raised to the proposed development subject to conditions contained in the current recommendation and the applicant entering into a Section 106 agreement to secure improvements to parking provision at Pontyclun.

Highway and transportation matters are discussed in some detail below.

Drainage – the applicant has provided relevant information to support development in principle and as such no objection is raised to the current outline planning application subject to appropriate conditions. However the detail of the site drainage layout would be required when undertaking a full planning application.

Public Health & Protection – raise no objection subject to conditions following extensive consideration of the air quality and noise assessments submitted in support of the application.

Housing Strategy – Policy SSA 12 of the adopted LDP requires 20% affordable housing provision on sites of 5 units or more in the Southern Strategy Area. As the proposal concerned is for 460 residential units, 92 units of affordable housing should be secured to satisfy these requirements.

Based on the findings of the Local Housing Market Assessment 2014/15, it is recommended that the following affordable housing mix be secured on site to satisfy these requirements.

- 26 two person one bedroom walk up flats for social rent.
- 18 four person two bedroom houses for social rent.
- 10 five person three bedroom houses for social rent.
- 8 six person four bedroom houses for social rent.
- 20 three bedroom houses for low cost home ownership.
- 10 two bedroom houses for low cost home ownership.

The social rented units should be built to Development Quality Requirements and the developers contribution should equate to 58% of acceptable cost guidance, i.e. the nominated registered social landlord will purchase the units for not more than 42% of acceptable cost guidance per unit less on costs .

The Low Cost Home Ownership units should be built to the same standard as the equivalent open market units made available for sale to Council nominated first time buyers from the homestep register. The developers contribution should equate to 35% of the open market value of each unit, i.e. the nominated purchaser should pay not more than 65% of the open market value per unit.

Housing Strategy recommend planning clusters of 6-8 social rented and 6-8 LCHO units throughout the site. If the developers will be releasing three phases, the best approach is to split the contribution in three across the site.

Natural Resources Wales – express that they have significant concerns with regard to the ecological and contamination survey work submitted in support of the proposed development but ultimately raise no objection to the proposed development subject to the imposition of conditions relating to the protection of wildlife, contamination and the piling of foundations into any planning permission that might be issued.

Dwr Cymru/Welsh Water – no objections subject to condition.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objections to the proposed development and offer advice regarding the location of their apparatus in the vicinity of the site along with details of safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service – no response received.

Cadw – the proposed development will have a low adverse impact on the settings of scheduled monuments Rhiw Saeson Cearau (GM065) and Llantrisant Castle (GM074 but this will not be significant.

Countryside Section – express concern at the level of detail that supports the application and take the view that if the development of the site is to prove successful in ecological terms then any consent will need to be supplemented with a robust management plan for the adjacent Open Space secured through a Section 106 agreement with the express objective of delivering management and mitigation of the SSA8 Local Development Plan allocation. The Management Plan should be a means to ensure monitoring delivery and review of its stated aims and objectives. The management plan must therefore contain and address the following:

- (a) the ecological potential and constraints including key species and habitats features;
- (b) species re-surveys and inspections associated with the period leading up to and including the development of the Site including provision for any necessary species licensing requirements that might arise;
- (c) species and habitat management, mitigation and compensation measures;
- (d) tree, hedgerow and boundary management;
- (e) invasive weed control;
- (f) litter collection;
- (g) details of open space signage and interpretation in relation to public usage of the open space
- (h) management and maintenance of any drainage structures, ditches and watercourses;
- (i) work schedule to include a five (5) year project register, an annual work plan and the means by which the plan will be rolled forward annually;

- (j) triggers for monitoring and remedial measures;
- (k) details of the management company (with the mechanism for reporting any future changes in management company arrangements)
- (l) annual reporting of management, monitoring and remediation to the Local Planning Authority with the offer of an annual site meeting, and an agreed timescale for any resulting Local Planning Authority comments or response.
- (m) integration with existing habitat management schemes operating in the vicinity of the Site;
- (n) details of the management infrastructure (gates, fencing, stock handling areas, watering points and public access)

Furthermore, concern is also expressed from a landscape perspective, not from the point of view of principle but in respect of the supporting detailing of the planning application particularly with the suggested approach involving the incorporation of woodland and hedgerow in to the development scheme with greater effort needed to incorporate these features into areas of public open space. The relationship of the woodland with the residential development needs to be appropriately designed so as not to create conflict between the two. The native buffer strip should be extended the length of the northern boundary. New planting within the proposed development such as street trees as appropriate in terms of species selection and proposed location need to be included in any future detailed submission. The use of wildflower seed mixes should be avoided. Topsoils should be sourced from the site and not imported and should be appropriately stored during the development process. Attenuation features should be appropriately designed to allow appropriate management and aftercare and as such detailed design principles should dictate the land allocation required for the successful development of all such attenuation features. The use of underground storage tanks should be avoided if drainage can be developed for the site without the need for them.

Education – confirm that the Education Department has no objection to this planning application., subject to receiving CIL monies when appropriate to make interim and permanent provision at a school in the area for the Primary aged children that will reside on this estate. Provision of permanent school provision will be made subject to a successful bid for finance from the Welsh Government, to which any additional monies from our CIL allocation will be added. Education capacity as a result of the development will be catered for through the Council's Schools Programme and supplemented by CIL monies.

Local Health Board – no response received.

Coal Authority – concurs with the recommendations in the applicant's geotechnical desk study and recommends that appropriate conditions be attached to any consent that might be granted requiring intrusive site investigation works before the

development takes place and should these investigative works reveal the need for further remedial works to treat any recorded mine entry beneath any part of the site where built development is proposed this should be conditioned to ensure that the site layout is amended to avoid it. Any conditions should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to the commencement of development.

Police Authority – indicate that they would welcome the opportunity to discuss the development with the applicants with a view towards designing out crime prior to a decision being made. Also recommend that secured by design principles be applied in the development of the site.

Glamorgan Gwent Archaeological Trust – both the geophysical survey and the assessment report play down the archaeological potential and significance of these historic assets (ring shaped crop marks, Butt Haematite Works, Lead mining activities site building). However, the site is known to contain an early industrial landscape and Landmap gives its potential as high. It is our opinion that a mitigation strategy should be put in place such that the impact of the development on these assets may be addressed. Therefore it is our recommendation that a condition (19) requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.(Condition 24 in Welsh Government Circular 16/2014 is recommended along with explanatory notes).

Sport Wales – no response received.

The City and County of Cardiff – have requested further time to consider the highway implications of the proposed development. However, considerable time has passed since that request was made and no formal comment has since been received despite repeated reminders.

## **POLICY CONTEXT**

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

**Policy CS2** - promotes sustainable growth in the Southern Strategy Area, that benefits Rhondda Cynon Taf as a whole, to be achieved by, residential development with a sense of place that respects the principal towns, focusing development within settlement boundaries and realising the importance of Talbot Green / Llantrisant for social and economic growth..

**Policy CS3** – Allocates strategic sites, including Mwyndy – Talbot Green for large scale residential, employment, retail and recreational purposes. The same policy also requires proposals for the strategic sites to have regard to the indicative concept plans.

**Policy CS4** – Allocates the Mwyndy – Talbot Green strategic site for 500 dwellings (400 at Cefn Y Hendy and 100 at Cowbridge Road).

**Policy CS5** – Requires the provision of affordable housing

**Policy AW1** – Defines the sources of land for new housing including the allocations in the Local development plan and the provision of affordable housing.

**Policy AW2** – Defines sustainable locations for development including sites within settlement boundaries, sites with good transport accessibility, sites with good access to services and facilities, sites that support principal towns key settlements and smaller settlements, sites that support strategic sites and sites that are well served by infrastructure.

**Policy AW4** – provides for the securing of planning obligations

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

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

**Policy AW7** – requires that developments which affect Public Rights of Way to enhance or replace that public right of unless there is no need for it

**Policy AW10** – requires development proposals to overcome any harm to public health, the environment or local amenity as a result of air pollution, noise pollution, light pollution, contamination, landfill gas, land instability water pollution or flooding

**Policy SSA8** - for the Mwyndy-Talbot Green strategic site states that it is allocated for construction of:

- (a) 500 dwellings (400 at Cefn-yr-Hendy and 100 at Cowbridge Road),
- (b) 15 hectares of employment land,
- (c) retail and leisure development,
- (d) a new primary school,
- (e) library-community facility and
- (f) informal amenity space in a landscape setting.

**Policy SSA11** – Seeks a minimum housing density of 35 dwellings per hectare.

**Policy SSA12** – Seeks an affordable housing contribution of no less than 20%.

**Policy SSA13** – Gives general criteria for the consideration of housing development taking place within settlement boundaries, including that any proposed development does not prejudice the development of strategic sites.

### **Relevant Supplementary Planning Guidance**

- Design and placemaking
- Affordable housing
- Nature conservation
- Planning obligations
- Access, circulation and parking
- Flats
- Employment skills.

### **National Guidance**

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

Planning Policy Wales Chapter

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

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

Other relevant policy guidance consulted:

- PPW Technical Advice Note 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 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development
- Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

The key issues in the determination of this planning application are the planning policy position, the impact of the proposed development on the highway network, ecology, infrastructure, the impact of the proposed development on the character and appearance of the area and any consequences of the development for the residential amenity and privacy of existing properties.

## **Principle of the proposed development**

The Local Development Plan remains the key policy document when considering the merits of the current proposal.

The planning policies that will prove key in the determination of this planning application are listed above and given that the site is allocated for residential development in the Local Development Plan policy will presume in favour of the proposed development as long as the proposals as submitted satisfy the various policy criteria that are relevant. Each of the key policy areas are considered in detail below.

In this case development is clearly focussed on land within the defined settlement limits of the principal town of Llantrisant/Talbot Green. The site benefits from reasonable access by car, bus, walking and cycling and relates well to the principal town centre and retail centre. The proposed development does not just support the strategic site but actually implements a significant part of this particular site. Consequently, and despite the misgivings of the objectors to the application on the sustainability issue, in the context of policy AW2 the proposed development would take place in a sustainable location.

Turning to the issue of housing land supply, given that the Council's 2016 housing land supply figure stands at only 1.5 years, it is important to maintain the contribution that this site will make to housing land supply. As a site allocated for housing in an adopted Local Development Plan the site already qualifies for inclusion within the five year housing land supply and is expected to contribute 125 units to the first 5 years with the remaining 275 units to follow in later years. This is considered to be reflective of a realistic completions rate at the site. The grant of outline planning permission for the site would secure rather than increase the site's contribution to the five year housing land supply. The indicative figure of 460 dwellings represents (in terms of the additional 60 units) a welcome windfall but would only increase the housing land supply beyond the present 5 year period.

With regard to affordable housing the proposal currently before the Council offers 62 social rented units and 30 units of intermediate housing giving a total of 92 units which equates to 20% of the total and as such the proposed development is policy compliant in this regard.

In terms of education, the proposal also allows the provision of a 240 place primary school with a 30 place nursery to be provided on site as envisaged in the Local Development Plan concept plan. The illustrative masterplan prepared by the applicants indicates a location near the eastern roundabout which though not central to the current proposals is in an accessible position. Ultimately, it will be for the Council as Local Education Authority to determine how and where additional capacity is delivered.

The current submission also proposes a 200sq m. net sales floorspace class A1 retail outlet which on the illustrative masterplan sits next to the site for the school. The allocation is in accordance with the LDP requirements.

Policy SSA8 proposes that development of the site should take place in a landscaped setting and the supporting text is more specific in requiring a landscape buffer along the northern boundary and this is reflected in the submitted illustrative masterplan. The supporting Landscape and Visual Influence documents and the zones of visual influence diagrams that accompany the proposal illustrate the relative prominence of the application site. While the buffer zone will not screen the development it will mitigate its visual impact from important views. There is therefore a clear need, if this application is to be approved for this particular feature of the proposed development to be secured in the long term, (see also comments below in respect of the ecology of the site and the need to maintain green corridors).

Turning to the issue of density of development, the submitted illustrative masterplan makes no effort to address the issue. However, the supporting planning statement offers an all round figure of 36 dwellings per hectare (dph) which is compliant with the requirements of policy AW11. The Design & Access Statement that accompanies the planning application identifies areas of the site for low, medium and high density development, though no numbers are offered for each component. Though more intricate than the Local Development Plan indicative concept plan, the only resemblances are that low density development is proposed along the northern edge and some high density development is proposed in the south eastern section. Whilst the deviation from the LDP concept plan is not considered to be crucial to the determination of the planning application ensuring low density development on the northern fringe along with developing a mechanism to ensure that overall numbers are delivered is essential. In addition, design principles need to be established to ensure that reserved matters applications comply with the design and placemaking criteria of policies AW5 & AW6. These though are matters that can be addressed through appropriate conditioning of any consent. Some residents have argued that the density of development should be reduced to reflect local plan requirements arguing that increased density of development flies in the face of the objective of delivering a better quality of life. However, the Local Development Plan also places a requirement to achieve a density of 35 dwellings per hectare and this, as the supporting work prepared by the applicants and their professional advisors can be achieved with the amount of development that is being proposed.

Matters pertinent to the impacts of the proposed development on the highway network are dealt with in greater detail below. However there is a need to give some consideration to highways and planning policy at this point. The Transport Assessment prepared in respect of the current planning application addresses in particular the need for the provision of a grade separated junction. The need for such a junction originated in proposals for residential and office development approved at appeal in 2008 where residential development was specifically promoted as enabling development to fund the provision of a grade separated access to the proposed office development. The Local Development Plan mentions the provision of a grade separated junction and that no more than 25% of the dwellings proposed for Cefn Y Hendy should be provided until it is in place, but does not formally propose it and the residential development is now entirely justified on the basis of housing need and no longer as development to enable the provision of a junction (see also below). The Transport Assessment argues that there is spare capacity on the junctions of the A4119 and that the issue of a lack of capacity at Castell Y

Mynach is a strategic one which is not related to the application. The Transport Assessment argues that signal controlled at grade junction on the A4119 could satisfactorily serve both the residential and employment elements of the strategic site. The independent verification of this claim will determine whether or not it would be appropriate to raise a policy based objection to the proposed development on highway grounds.

The Local Development Plan places two phasing requirements on the development of the site though Members should note that these are not formal policies or proposals. The first is that no more than 25% of residential development should take place until the grade separated junction is opened and the second is that no more than 75% of the development should be completed before the local centre is opened. If the grade separated junction is proven to be no longer necessary the requirement falls. In any event, the securing of the local centre can be secured by the imposition of an appropriate condition or through a Section 106 agreement if Members are minded to support the current proposals. Members should note that the provision of school capacity is not subject to phasing.

It has been suggested by the Community Council that in determining this application that the requirements of TAN 1 Joint Housing Land Availability Studies should not be adhered to. The more recent household projections referred to by the Community Council have only limited status as a material consideration in planning, as they have not yet been turned into a dwelling need projection and have not been apportioned between the Local Planning Authorities, and no Local Planning Authority dwelling need projection has been incorporated yet into a Local Development Plan Review to enable it to be examined publicly and independently for soundness. Consequently the Council is obliged to work with the adopted Local Development Plan with regard to this issue and the “considerable weight” that Planning Policy Wales TAN 1 places on the need to increase the housing land supply when dealing with planning applications for housing will inevitably carry much more weight in the decision making process. The requirement to maintain a 5 year land supply is a Policy Requirement set out in TAN 1 and reiterated in a number of policy letters and statements issued by the Welsh Government. The 5 year land supply is a material consideration that must be taken into account when determining this matter and it is a consideration that must be given significant weight. Failure to consider this requirement would leave the Council open to legal challenge on any decision made.

There has been some suggestion in the objections submitted that there was a lack of consultation on this site when the Local Development Plan was prepared. This site along with other strategic sites in the Local Development Plan were the subject of extensive public consultation and scrutiny at the examination in to the plan itself and consultation was carried out in line with the relevant regulations.

The development of the site would not, given its location, represent coalescence of Pontyclun and Miskin as it would given the location of the application site, not make coalescence occur. Though it might be argued coalescence has already taken place this proposal would not make the situation any worse.

Whilst part of the application site is outside of the housing allocation it is clearly within the settlement boundary and unallocated and would form the western access

to the site the fact that a relatively small part of the application site does not form part of the wider allocation would form no basis for rejecting the current proposals.

Policy SSA13 of the Local Development Plan (housing development within settlement boundaries) has been raised as an objection to the proposal. However this policy is specifically aimed at housing development on sites that are not allocated for development in the Local Development Plan but are within settlement limits as such its requirements would not apply in this instance. Furthermore and in any event the application site is not public open space, which is what this policy principally aims to protect.

References made by objectors to planning legislation, policy and guidance that relates only to England is not relevant in the consideration of this planning application.

Residents have raised the issue of compliance with the requirements of policy SSA3 specifically referencing the requirement to reduce congestion through the promotion of sustainable modes of transport. This the proposed development would achieve in a number of ways through the improvement of established public footpaths, the provision of the cycle route, the development of the spine road through the site being able to accommodate bus traffic and through a financial contribution to the improvement of park and ride facilities at Pontyclun.

The proposals would be considered acceptable in planning policy terms provided that:–

- The relevant consultees are satisfied that the junction arrangements proposed for the A4119 are acceptable including those relating to the land east of the A4119
- The relevant consultees can be satisfied with provisions proposed to deal with the ecological impacts of the site.
- The creation of a mechanism through conditions or a Section 106 agreement to ensure that the reserved matters submissions which would follow the grant of outline planning permission deliver the expected number of dwellings
- Design principles for the development of the site are approved that secure low density development on the northern side of the site and the provision of an appropriate landscape buffer.
- The agreement of an appropriate planning obligations package to support the proposed development.

## **Ecology**

The impact of the proposed development on the ecology of the site itself and the wider area has been a source of some concern for many people who have taken the trouble to comment on this planning application particularly with regard to protected species that are known to inhabit the locality and also in terms of the impact of the proposed development on the local Site of Interest for Nature Conservation.

Natural Resources Wales have indicated that they have significant concerns with the information provided by the applicants, but in the final analysis they have not raised objection to the proposed development and have provided a suite of planning

conditions that they expect to be applied to any planning permission that might be issued. Similarly the Council's own ecologist has concerns relating to the specifics of the proposed development and despite those concerns has now reached a position where subject to conditions and the securing of a robust and meaningful management plan through a Section 106 agreement which will ensure the appropriate maintenance management and improvement of the open areas that the proposals would be acceptable. In the final analysis, and despite the concerns that have been expressed by residents and consultee bodies, there is no substantive reason for a refusal of planning permission on ecological grounds.

## **Infrastructure**

The key element of local infrastructure that the proposed development needs to address is its impact on the highways and this is considered in detail elsewhere. Otherwise consultation response has revealed no issues with regard to the provision of public utilities. Similarly, the Coal Authority has indicated that subject to further investigation they have no objections to the approach adopted with regard to ground conditions. The site is not on C1 or C2 floodplain and no objections have been raised in this issue.

The school provision issue will be addressed through the provision as described above in the comments received from the Education department. The final position adopted by the Education Authority will not prevent education provision on site and the school provision remains included in the description of development.

The complaint from some residents that the development would lead to the creation of new houses in an area that lacks any focal point or community hub would carry some weight if the proposal was exclusively a housing proposal. However it also allows for the provision of play areas, retail facility etc that will have the potential to provide that focal point or series of focal points and community hub in the course of development. The fact that earlier phases of the development have not delivered a retail premises on the site is a matter that the current planning application will address if permitted.

Another criticism of the current scheme is that health service provision in the locality is oversubscribed and incapable of accommodating further development and consequently the development should not be allowed until this issue is addressed. Members are advised that the Local Health Board have been consulted on this application and have not provided any comment in respect of the proposal positive or negative. Additionally on this issue it must be kept in mind that the current proposal is not responsible for any shortcomings there might be in healthcare provision now and to expect it to fully remediate an already difficult situation would be at best considered disproportionate.

Members will note the earlier comments of the Police Authority with regard to this proposal. The points raised by the Police all relate to design which is a "reserved matter" and it would be appropriate to consider those issues at that stage should the current application prove successful.

One objector has claimed that allowing the development could lead to flooding at the Y Pant School but no evidence has been offered to support this claim.

With regard to the drainage issue, Members should first note that neither Natural Resources Wales nor the Council's own Drainage department have raised any concern that would suggest that the site could not be appropriately drained of storm water and as a result it is recommended that the application be allowed subject to conditions with regard to this issue. It lies with the land owner or any future developer to secure any consents necessary outside of the planning process and it is not incumbent on the land owner or developer to secure these consents in order to secure a planning permission.

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

The impact of the proposed development on the character and appearance of the area is difficult to fully evaluate at the outline application stage as the acceptability or otherwise of any proposal in this context will often depend on detailing. However, there is merit in the proposal inasmuch as it is contiguous with the existing built form of Cefn y Hendy and with appropriate detailing it has the potential to become a sympathetic extension of the village. Whether or not it could become a coherent addition to the village will though depend on detailing and developing the physical relationship between the proposed development and existing homes. In this the proposed masterplan is helpful providing as it does an indication of the location of proposed street frontages key buildings and access routes into and through the site by various means and by illustrating how that connects with established development. The constraints imposed by the requirement to vary density with it reducing towards the edges and the need to provide a coherent buffer zone also provide some control in how the development will come forward. Similarly the applicants have been able to demonstrate through the masterplan a density of development that meets the net policy requirement of 35 dwellings per hectare underlining that the proposals could make a meaningful contribution to the housing land supply for the area whilst at the same time ameliorating the concerns expressed by residents at the visual impact of the proposed development. However key to ensuring that this works is the requirement to agree finished levels for the site relative to established property along with precise details of the intended buffer zones and green areas and if Members are minded to support the current application then a suitable condition and/or legal agreement would be appropriate to control this issue.

There has been some comment to the effect that the character of the Public Rights of Way through the site will be irreversibly damaged by the development of the site and that the passive enjoyment of open space that the footpaths facilitate along with the access to informal recreational opportunities that it provides would also be lost. This though would be an inevitable consequence of developing any area of ground through which a Right of Way passes and in light of the overall landscape and visual impact of the proposal which is considered below and the fact that the proposed development would provide substantial amounts of recreational space, this would not be sufficient to warrant the refusal of this application

One of the criticisms levelled at the current proposal by the objectors is that it treats archaeology lightly. To some extent this is also reflected in the observation on the proposal submitted by the Glamorgan Gwent Archaeological Trust, Members should though note their conclusions on the issue and the recommendation that any deficiency can be addressed by the application of suitable planning conditions.

The Landscape and Visual Impact of the proposed development have been the subject of a detailed study by The Urbanists, a specialist landscape and design company, on behalf of the applicants and the study concludes that overall the site does not result in significant effects on the baseline landscape and visual characteristics of the area, on completion of the development all landscape and visual impacts are reduced to a moderate level at worst with most reduced to a slight or negligible level of significance of visual effect. The rural urban fringe context, field pattern, wider landscape setting and landscape network of hedgerows and trees are to a large extent retained and to some extent enhanced by the creation of the buffer zone and the approach to the density of development and the development would be viewed within the existing landscape context as an addition to/completion of Cefn Y Hendy. The study has used established and accepted methodology and best practice in arriving at this conclusion and the Council's Landscape Architect accepts the overall report findings as robust but identifies a need to establish appropriate detailed landscaping for the site alongside the applicant's submitted proposals through the imposition of appropriate planning conditions to underpin this and ensure that the impacts of the proposed development on the character and appearance of the area remain acceptable.

As such it is considered that the landscape and visual effects of the proposed development can be mitigated within a landscape framework that would accompany the development of the site through the agreement of landscaping details, the details of proposed levels for the development and a clear path in the delivery of housing densities through the development, that is considered acceptable in the context of Local Development Plan policies and the policy considerations of the Welsh Government.

Objectors have levelled criticism at the proposed development in terms of its scale and density being out of step with the established development claiming that this will have an adverse impact on the character and appearance of the area. However the general thrust of the approach taken by the applicants as explained in the section above in respect of planning policy, is not so significantly detached from the intent of the Local Development Plan that it would warrant a refusal of the application on such a basis.

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

Given that this is an outline planning application it is difficult to assess in specific detail what the full impact of the development on residential amenity or privacy would be. However the masterplan that accompanies the application and the detail that it contains illustrates that the site could be developed in a manner where the impact of the proposals on existing dwellings would be acceptable, particularly as the site is for the most part well defined with strong natural boundaries that would inevitably result in the maintenance of good distances between any existing and proposed

development. Similarly, the masterplan indicates that the site could be developed in a manner where the levels and distances between homes would demonstrate levels of amenity and privacy not dissimilar to those already established in the newer residential areas of Cefn yr Hendy immediately adjacent to the site which as such would make them acceptable.

With regard to the points raised in consultation with the public on this issue the following comments are offered:–

Issues relating to the density of the proposed development and the potential for it to have an adverse impact on established properties and the wider environment are to a large extent dealt with elsewhere in this report. However, Members should note that these comments are made on the basis of the illustrative detail provided by the developer and the density and layout and other features such as landscaping commented on would be by no means fixed by the grant of outline planning permission. The point with the masterplan is that it is only illustrative and shows what might be achievable in terms of the site.

Similarly the claim of the loss of public open space is largely unfounded, whilst residents clearly have the right to use the Public Right of Way and clearly made use of the wider area for informal recreational purposes the site is ultimately in private ownership and does not benefit from any formal recognition as public open space. Whilst this might be beneficial to local residents on a physical, emotional and even spiritual level, the fact that it has been put to some form of informal use by existing residents carries very little material weight in the consideration and determination of this planning application.

With regard to the issues raised around fields in trust standards it is important to keep in mind that these standards are only guidance and their application in every circumstance is not mandatory. Furthermore the Parks and Countryside Manager has considered the proposals and finds the intended level of provision proposed by the applicants acceptable. For clarity the current proposal will not meet all fields in trust standards but it will provide 0.76 hectare of public open space of which 0.35 hectare will comprise equipped play areas. Additionally there will be 3.3 hectares of informal open space and 0.65 hectare of woodland. This along with the benefits that will be secured through the proposed Section 106 agreement amounts to an acceptable level of formal and informal provision to serve the proposed development.

The comments relating to congestion resulting from the development leading to the closure of shops in Pontyclun is not supported by evidence.

Members will be aware that the loss of view is not a planning consideration. Objectors have sought to broaden the argument by arguing that it will lead to a loss of the visual and aesthetic quality that existing residents currently enjoy and the loss of a sense of openness to a feeling of enclosure. These are all an inevitable consequence of development in a general sense and in this instance these are not views that principally benefit the general public nor are they specific public views of any importance and consequently they can be given little weight in the consideration of the planning application

Noise and dust generated by the development of the site are by their nature transient and can be adequately controlled through the provisions of other legislation. Even though the development of the site will lead to more residents and more associated movement it is considered that this is no more likely to generate nuisance to any greater degree than current arrangements

On the issue of the impact on the Miskin Conservation Area Members should first note that the proposed development is more distant from the Conservation Area than the housing already established at Cefn yr Hendy. Additionally it would not impact in any visual sense on the Conservation Area. Whilst the increase in traffic in recent years might have impacted on the Conservation Area in that it has resulted in an increase in the amount of traffic using Hensol Road no evidence has been produced that this is in any way unacceptable from a noise and pollution standpoint or to the extent that it would adversely impact the conservation area.

### **Access and highway safety**

The planning application has been the subject of extensive investigation in the form of a Transport Assessment (TA) and associated addendum (TAA) and Travel Plan submitted in support of the proposed development. Additionally elements of the planning statement, Design and Access Statement have also addressed these issues to some degree. The Transport Assessment and subsequent Transport Assessment Addendum have been subjected to independent scrutiny and have been found to be sound.

The Transport Assessment gives consideration to highway capacity on the A4119 and acknowledges that the A4119 south is close to capacity and will continue to experience congestion even if extra capacity is provided at the junctions and that the only way congestion can be alleviated is through additional capacity being provided or through a reduction in vehicle demand.

The Transport Assessment then goes on to consider the following –

- Traffic survey data, automatic traffic counts.
- Trip rate and trip rate generation.
- Traffic/trip distribution.
- The impact of committed development that might affect the analysis.
- Traffic growth.
- Percentage impact assessment/assessment traffic flows.
- Junction assessments Ffordd Cefn Y Hendy/Bryn Dewi Sant/Western Site access 4 arm roundabout.  
Ffordd Cefn Y Hendy/Eastern Site Access 4 arm roundabout.  
Ffordd Cefn Y Hendy/Unnamed Road (to A4119) 3 arm priority junction  
School Road/B4264/Heol Miskin Roundabout .  
Heol Miskin /A4222 (Llantrisant Road Mini Roundabout .  
A4119/Unnamed Road/Arthur Llewellyn Jenkins Staggered Junction.
- Access.
- Circulation.

- Parking provision.
- Collision analysis.
- Active travel and safe routes in communities.
- Public transport (bus and rail).
- Travel plan.
- Transport implementation strategy.
- Road safety audit.
- Third party representations and the need for commuted sums.

The findings of Council's consultants analysis of the submitted documentation can be summarised as follows:–

The A4119 is a strategic route and is forecast to reach capacity (39,000 AADT) in 2021 unless significant highway improvements are undertaken to provide additional links / lanes to increase capacity or traffic growth is reduced by greater utilisation of sustainable modes of transport including greater use of public transport.

Trip Generation and Traffic Distribution have been reviewed and despite concerns in relation to the complexity of method used to derive the number of vehicle trips is considered acceptable.

It is stated in the TA and the TAA that committed developments have been included by means of the TEMPRO growth factors. The traffic growth factors have been reviewed and are considered acceptable (2016 - 2026 (1.1560 AM and 1.1522 PM)).

The proposed development will increase traffic on the A4119 and have an adverse impact on junctions along the A4119, however, development traffic would only represent a small percentage of the existing and forecast traffic and the A4119 is forecast to be at capacity in 2021 regardless of the impact of development traffic.

A percentage impact assessment of the impact of the proposed development traffic was undertaken and the junctions with impact in excess of 5% were fully assessed and mitigation measures recommended accordingly.

Signalisation of the staggered junction on the A4119 will provide safe access / egress for the proposed development and for existing users, as well as providing safe crossing facilities for vehicles, cyclists and pedestrian movements. MOVA control within the signal control system would increase signal capacity. The provision of SCOOT, hardware, software licences and validation would allow the signalised junction to be incorporated into a SCOOT UTC system incorporating adjacent signalised junctions along the A4119, as future junction upgrades are undertaken.

The introduction of traffic signalisation control incorporating MOVA and SCOOT would represent a considerable improvement for traffic currently utilising the currently un-signalised junction, particularly for right turning traffic by removing the need to utilise the central island area. Signalisation would also ensure that traffic on this junction arm would have an opportunity to leave or join the A4119 as traffic volumes increase as shown by the projected traffic growth.

The proposals consider signalisation of the B4264, A4119 and Mwyndy staggered junction, information within the TAA proposes that the staggered junction be signalised with the exception of pedestrian and cycle facilities and the provision of the left turning lane and junction widening to accommodate the future Mwyndy employment development. Partial implementation of the works to the employment access would require significant alterations to the signalised junction at a later date, to accommodate widening of lanes, relocation of splitter islands and traffic signals which gives cause for concern and therefore the improvements to the highway to provide the left turning lane, widened exit lanes, splitter island and pedestrian/cycle crossing facilities must be implemented to include the full extent of the proposed splitter island at the arm leading to Arthur Lewellyn Jenkins / future Mwyndy employment development.

Highway improvements to the staggered junction will also impact on the existing bus stop and bus pull-in at Mwyndy Cross and measures to accommodate the bus stop must be provided as part of the detailed design.

The proposed shared use pedestrian/cycle facility alongside the A4119 would encourage use of sustainable means of transport such as walking / cycling to access local amenities and facilities at Talbot Green in accordance with the aims of the Active Travel (Wales) Act 2013 to provide a route with natural surveillance, paved surface, drainage and lighting. In anticipation of such a link current improvement works at the A4119 roundabout have incorporated Toucan crossings to accommodate the shared use path. Such a route will require direct links to the development in the vicinity of the signalised junction and access road leading to Cefn Parc Farm, to ensure routes are direct and not overly long in accordance with Active Travel Guidance.

Access to the development site is proposed from existing roundabouts located on Ffordd Cefn-Yr-Hendy. There is some concern regarding the geometry of the roundabouts which also lack facilities for pedestrians in the detail submitted to date, however, these issues can be addressed and secured by suitably worded conditions intended to finalise the design of the roundabouts.

Members will be aware that in recent years there have been a number of road accidents in the area of the A4119 some of which have had a very high profile particularly where fatalities have been involved. Members should note though that the proposals under consideration make provision for a staggered signalised junction which incorporates controlled crossing facilities where currently none exist.

The development traffic will have an impact on the overall capacity of the network without signalisation. However with the introduction of a signalised junction the modelling indicates that the Percentage Reserved Capacity of the Castell Mynach

junction improves and the Percentage Reserved Capacity at the School Road junction reduces more significantly. This is considered to be due to the LINSIG model co-ordinating a larger signal controlled network.

In the future year 2026 the proposed traffic signal controlled junction will be close to capacity in the AM peak and over capacity during the PM Peak.

The existing signal controlled junctions at School Road and Castell Mynach are over capacity in the base year 2016 in both the AM and PM Peaks. In future year 2026 the Castell Mynach and School Road junctions will be significantly over capacity in both peaks due to the effect of traffic growth and committed development.

The Council's strategy for dealing with the cumulative effects of the traffic generated by development sites in RCT is via Community Infrastructure Levy (CIL). The proposed development is identified as an allocated site within the Local Development Plan (LDP) and is subject to CIL and the A4119 corridor is highlighted within the Regulation 123 list. It is therefore imperative that pooled developer funding via CIL is committed to support strategic interventions on the A4119 corridor to facilitate planned growth in the County Borough.

The illustrative masterplan is lacking sufficient detail to enable an assessment of internal roads, footways and parking to be carried out. Therefore no weight has been given to the submitted plan accordingly. In any event such details will be finalised at the reserved matters stage should this application prove successful.

The local residents group opposing the application have employed Carl Tonks Consulting Highway Engineers to appraise the detail contained in the Transport Assessment and in the Transport Assessment Addendum. This has resulted in the submission of a critique by Mr Tonks highlighting what are considered to be the shortcomings of the initial submission. This has subsequently led to the submission of a rebuttal by Vectos on behalf of the applicants which itself has in turn led to the submission of further comment from Mr Tonks regarding the rebuttal. The transportation Section remain content with the content of the Transport Assessment and Transport Assessment Addendum.

The signalisation of the staggered junctions with A4119 incorporating MOVA and facilities for SCOOT, the contribution of £90k towards increasing the capacity of Park and Ride at Pontyclun Railway Station, the widening of the existing footway along A4119 to 3m footway/cycleway, the additional pedestrian /cycle linkage between the site and A4119 and provision of footway along Ffordd Cefn-Yr-Hendy and site frontage as well as improvements to bus stops and uncontrolled pedestrian crossings would satisfy the requirements of the Active Travel (Wales) Act 2013 and facilitate sustainable modes of travel.

The proposed development neither promotes nor prevents the provision of park and ride/park and share facilities at Miskin.

Many have argued that the development will not be accessible to sustainable forms of transport and would add to congestion. However, the proposed development will deliver footpath improvements, on the network and to a public right of way it will also

deliver cycle way provision and estate spine road of sufficient width to facilitate new bus routes and the delivery of new housing along with the provision of capacity and the increase in critical mass that it would deliver in terms of demand would make the delivery of new route by bus operators more likely, contributing towards the target set down in the CHIT publication "Guidelines For Providing For Journeys On Foot" of having new homes within 400m of at least one or more transport modes.

### **Health Issues**

With regard to the issue of noise it is not considered that a residential development adjacent to areas of well established residential development would prove a source of noise to the point where it would become a nuisance or threat to health. Furthermore the application is supported by a Noise Assessment which concludes that with appropriate mitigation measures in areas where they would be required the development would meet established World Health Organisation requirements with regard to the impact of noise on the proposed development (such measures might include noise attenuating boundary treatments, appropriate orientation of dwellings or specialist double glazing etc). The Council's Public Health & Protection Division have not raised noise as an issue for the proposed development and have not found the report in respect of noise submitted in support of this development wanting.

Turning to the issue of loss of green space and the potential adverse impact on physical and mental health, Members should first note that the illustrative layout provided by the developer makes provision of play areas and public open space that accords with the requirements of the Council's own Supplementary Planning Guidance. Additionally the applicants have been very clear that Public Rights of Way through the site will be maintained and enhanced which has the potential to improve access to the countryside around the development.

With regard to the air quality issue residential development is not of itself a source of nuisance; indeed the air quality issue here is one that affects the wider locality with the principal source being traffic related pollution on the A4119 and A473. The applicants have supported their planning application with an air quality assessment that justifies the proposed development and with which the Public Health & Protection Division are satisfied subject to the inclusion of conditions in any consent that might be granted. It has also been suggested that the proposed cycle/pedestrian route adjacent to the A4119 would need to be assessed and has not been and as a result the information provided is inadequate. However, Public Health and Protection advise that as the use of such a facility would be transient and short-lived this would not be appropriate.

Some residents have pointed out that should a grade separated junction be provided it would need to be provided with noise and pollution attenuation features. As this does not form part of the current scheme it is not a matter that requires the consideration of Members.

### **Other Issues:**

The following issues have also been taken into account and afforded appropriate weight in considering the application, and they inform the recommendation made below

A number of residents have made reference to various other bodies of legislation, legal guidance and accepted conventions claiming that allowing the proposals would be contrary to their requirements. The legislation and documents cited are as follows:-

- The Human Rights Act 1998.
- The Localism Act 2011.
- The Wellbeing of Future Generations (Wales) Act 2015.
- The Environment (Wales) Act 2016.
- Wales – A Play Friendly Country – Statutory Guidance 2014.
- The United Nations Convention on the Rights of the Child.

The planning system, by its very nature, respects all legislation that influences it and the rights of the individual and child whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal will have on individuals, including children, and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise the Council will of course wish to be satisfied that it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

There has been some indication from the public that they believe that the proposals have been inadequately advertised. The application has been advertised by means of press notice, site notices and neighbour notification letters in accordance with statutory requirements in two separate rounds of consultation. Furthermore, Officers have continued to accept the submission of letters of objection after the deadline for such submissions had passed on both occasions.

Loss of view and the claimed reduction in property values that would result from the proposed development are not planning considerations. Similarly the claimed loss of light is not of itself a planning consideration and is a matter for other legislation. The privacy issue is addressed elsewhere in this report.

Whether or not the applicant company is responsible for nearby retail development and whether or not they have completed that development is not material in the determination of the current planning application.

If Members are minded to approve the application as recommended then the views of all statutory consultees and their recommended conditions will be reflected and applied.

The expansion of existing retail parks and premises in the wider locality will have been adequately assessed when those proposals were considered by Members and any necessary improvement to the highway network as a result of those developments would have been secured through those planning permissions.

The matter of conflict of interest between the Council, Welsh Government and the applicants falls outside of the scope of the consideration of the planning merits of the application and would not influence any decision in the matter.

Whatever might have been in the minds of existing residents when they purchased their property is not a matter that can influence a decision on this planning application.

As far as the applicant's attitude towards pre application consultation is concerned, this is largely a matter for their own conscience, what can be said is that they have complied with statutory requirements in this regard.

The applicants are under no obligation to make utility services available to the residents of Ty Cefn Parc and the grant of planning permission cannot be conditional upon that.

Matters relating to preferred options such as the creation of parkland instead of housing development or the provision of park and ride/share facilities on the former Ministry of Transport site might be desirable but the proposal has to be considered as submitted and on its own planning merit.

The development of the Llanilid site at Llanharan would not address the Council's housing land supply problems on its own and as is the case with this site is part of a suite of strategic allocations.

The current application has to be determined on the basis of the development plan and other material considerations and on the quality of the evidence presented in support of it and not on what might have been required under different circumstances for a different application made in the past.

The Town Centre element of the Llantrisant – Talbot Green proposals has the benefit of a separate planning permission and it would be inappropriate to divert residential development towards that site simply because it has not yet progressed.

The requirement to provide retailing through the original Section 106 agreement is still in place and the whether or not to enforce is at the discretion of the Council. It is understood that the Land Authority for Wales who were in control of the land at the time did try to market the site but there was no market interest in bringing the retail element forward.

The application currently before Members includes retail provision, the quantum of which will have been designed to correspond with market demand. Clearly, if the current application is refused or for some other reason does not go ahead then the Council can revisit the original requirement to deliver retail provision and then decide what action, if any, it will take.

The development of any site would inevitably increase its carbon footprint unless the development is designed to be carbon neutral or negative over its lifetime this could form no basis for refusing the application of itself.

The certification submitted with the planning application has been amended to reflect that there is an agricultural tenant and that fact has been taken into account in the consideration of this planning application.

Prior to the application being submitted the applicants established that the application site was of agricultural land classification 3b. As such there would be no need for further consideration in respect of agricultural land classification issues as the site is clearly not the best or most versatile agricultural land. Ystrad Barwig was a fundamentally different case, notwithstanding that the application site is allocated in the Local Development Plan for development and Ystrad Barwig was not, the latter was known to have been subjected to substantial agricultural land improvement works over the years and the current application site has not. Members should also note that in the case of Ystrad Barwig, Agricultural Land Classification ratings on the site (which were higher than the current application site) were considered to hold insufficient weight to force a negative recommendation on a site that is not allocated for development in the Local Development Plan.

Whilst the extent of the use of the site for recreational purposes by local resident is not disputed the nature of the evidence provided is more appropriate to a claim for village green status than it is relevant to the consideration of a planning application and adds nothing to the claims of usage contained in the extensive objections that have been raised to this proposal.

Some residents might regard the application as flawed as a result of the situation on the local highway network, or because of capacity in local schools, surgeries or hospitals. However, when the evidence directs that the impacts of the proposed development are acceptable in planning terms, with conditions and legal obligations applied, the Council officers are obliged to recommend accordingly.

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

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

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

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

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

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

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

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

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

- The provision of 20% affordable housing.
- The provision of the local centre on occupation of 75% of the dwellings (345<sup>th</sup> dwelling).
- The agreement of a long term management programme for the management of the open space to the north of the site and ecologically sensitive areas of the site.
- Provision of green space and play areas for management and maintenance in accordance with the Council's Supplementary Planning Guidance on planning obligations.
- The agreement of an employment skills training plan.
- A financial contribution of £90,000 towards the provision of additional park and ride spaces at Pontyclun railway station.

### **Conclusion**

This planning application has raised a wide range of complex issues in its consideration and it is inevitable that an application of this size and complexity different elements will pull in different directions. The consequence is that any decision in the matter has to be made "on balance" and in this instance officers take the view that the balance falls in favour of allowing the application. In the final analysis, the application is considered to be in accordance with the relevant policies of the Local Development Plan in respect of the key policy areas in the Local Development Plan and in Planning Policy Wales with regard to the provision of new residential development. Furthermore the proposal, subject to conditions and a legal agreement, has been shown to be acceptable in terms of all other material considerations, particularly in this case, highway impacts, amenity, impact on the character and appearance of the area, ecology, infrastructure provision, and health impacts when the key issues involved are balanced. Consequently, Members are advised that in planning terms the proposal is acceptable and that they accept the recommendation to approve below.

### **RECOMMENDATION: Grant**

1. (a) Details of the appearance, landscaping, layout and scale (hereinafter

referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

(b) Applications for the approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

(c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. Any submission for the approval of reserved matters shall be accompanied by a detailed site investigation report. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage that might arise as a result of ground conditions. The development hereby permitted shall be carried out in accordance with the approved site investigation report.

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

3. The proposed development shall proceed on a phased basis in accordance with the details set out in the applicant's letter and accompanying correspondence dated 5<sup>th</sup> June 2017, with the exception of infrastructure which can form a separate and distinct phase, unless otherwise agreed in writing with the local planning authority.

Reason: To allow for the development of the site in an ordered manner that integrates positively with the existing development in accordance with policy SSA3 of the Rhondda Cynon Taf Local Development Plan.

4. Details of the landscaping scheme to be submitted to and approved by the local planning authority shall include indications of all existing trees and hedgerows within any given phase and details of any to be retained along with measures for their protection during the course of development.

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

5. All planting seeding or turfing in the approved details of landscaping shall be carried out in the first planting season following the occupation of the

building(s) or the completion of each phase of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development are removed or become damaged or diseased shall be replaced in the next planting season with others of similar size or species unless the local planning authority gives its consent to any variation.

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

6. A landscape management plan, including long term design objectives, management response, maintenance schedules for all landscaped areas, other than privately owned domestic gardens within each phase, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development within that phase for its permitted use. The landscape management plan shall be carried out as approved.

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

7. Before any work is commenced within any given phase, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle around each tree to coincide with the extremity of the canopy of the tree. Within the area so fenced off the existing ground level shall be neither raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be stored thereon. If any trenches for services are required they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason: to protect the existing trees on the site during the course of building in the interests of amenity in accordance with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place within any given phase until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
  - An appropriate scale plan showing wildlife protection zones where construction activities are restricted and where protective measures will be installed or implemented;
  - Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
  - Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation;
- iii) Installation of physical protection measures during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Provision of training and information about the importance of the wildlife protection zones to all construction personnel on site.

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

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

9. Notwithstanding the submitted details, prior to the commencement of housing development within any given phase, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Purpose, aims and objectives of the scheme.
- A review of the sites ecological potential and constraints.
- Description of target habitat features to be restored.
- Selection of appropriate strategies for achieving habitat restoration.
- Selection of specific restoration techniques and practices for re-establishing vegetation.
- Sources of habitat material.
- Method statement for the restoration of vegetation.
- Extent and location of proposed works.
- Aftercare and long term management.
- Personnel responsible for works.
- Timing of works.
- Monitoring.
- Disposal of arisings

all restoration works will be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Any amendments to the Habitat Management Plan required as a result of ongoing monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.

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

10. Before any works start on site within any phase of the development, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details.

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

11. Building operations shall not be commenced within any approved phase of development until samples of all external finishes to be used in the proposed development of that phase have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

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

12. The development of any phase of development hereby permitted shall not begin until a scheme to deal with contamination within or affecting that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless otherwise agreed in writing with the Local Planning Authority:

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

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

13. No dwelling hereby permitted shall be occupied until the measures approved in the scheme referred to in condition 12 above have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority for the relevant phase of development.

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

14. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a

different type to those included in the contamination proposals then work in the vicinity of the encountered contamination shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

15. No development on any phase of housing development until details of a scheme for the disposal of foul and surface water to serve that phase of development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the development and retained in perpetuity.

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

16. Before the commencement of any works on site, a comprehensive scheme of mitigation for protected species shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include, but not exclusively:
- the preparation of a method statement to detail how protected species will be protected and if presence on site is established, conserved during the site clearance works, including details of the timing and duration of the works, and action to be taken in the event that a protected species is found.
  - The timing and phasing of implementation of ecological mitigation.
  - The location form and extent of any buffers to be retained and/or newly planted/translocated material, including measures to safeguard habitats (notably the adjacent woodland) from adjacent properties. These buffers must be located outside the curtilage of any individual development plots.
  - appropriately scaled and annotated drawings setting out the habitats to be lost, enhanced or created and those retained. Any hedgerow vegetation which is not to be retained within the site should be translocated to create connective corridors or used to help bolster the undisturbed buffer zones.
  - a long term habitat management plan to ensure the favourable management of mitigation habitats on site.
  - a lighting plan to minimise the impacts of the proposed development on any protected species present. This should include details of the type and siting of the lighting used, light spillage in key areas for wildlife and any operational measures necessary to ensure wildlife corridors, mitigation habitats are not illuminated. The plan must address both the construction and operational phases of the development.

Reason: In the interests of maintaining biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

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

Reason: In order to minimise the risk of pollution to controlled waters in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

18. Piling, or any other foundation design using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water.

Reason: In order to minimise the risk of pollution to controlled waters in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

19. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

20. Prior to the first occupation of the 1st dwelling hereby approved the following works will have been designed, approved by the Local Planning Authority and built.

- Improvements to and the signalisation of the staggered road junction at the junction of the unnamed road with the A4119 and access to the Arthur Llewelyn Jenkins/future employment access; including improvements to the existing highway, relocation of the existing bus stop and provision of pedestrian and cycle crossing facilities. Signalisation shall incorporate MOVA traffic control with linking to the School Road traffic signals. Provision shall be made for hardware, software licences and validation to allow the signalised junction to be incorporated into a SCOOT UTC system incorporating all signalised junctions along the A4119.
- Shared use pedestrian/cycle path linking the unnamed road with the

existing facilities at the A4119/A473 roundabout with links to the development site in the vicinity of the unnamed road/signalised junction and Cefn Park Farm

- Provision of a shared use pedestrian/cycle path along the eastern side of Ffordd Cefn Y Hendy to link the site access with the unnamed road together with uncontrolled crossing improvements and the provision of a bus stop with shelter, flag and pole, raised bus border kerbs and bus stop road markings

All works shall be designed in accordance with current highway design requirements and road safety audits and be implemented in accordance with details to be submitted to and approved in writing by the local planning authority prior to any works commencing on site.

Reason: In the interests of highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

21. Prior to the commencement of works on site, other than any related site infrastructure works, the developers shall submit a plan for the written approval of the Local Planning Authority confirming the alignment of the site distributor road. Full engineering design and details of the site distributor road including details of improvements to the site access roundabouts, sections, street lighting, drainage, highway structures, traffic management measures, turning facilities, shared pedestrian/cycle facilities, public transport infrastructure, footways, link cycle footpaths, hard margin strips and associated works to serve any identified phase of development, along with a programme for its implementation, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works on that phase of development. In any event, the distributor road shall be completed and available for use prior to the occupation of the 350th dwelling on the approved site.

Reason: In the interests of highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

22. Notwithstanding any approved plans no works shall commence on site, for each phase of development, until full engineering design and details of all approach roads, side roads, private shared accesses, including sections, street lighting, drainage, highway structures, traffic management measures, turning facilities, shared pedestrian/cycle facilities, footways, link cycle footpaths, hard margin strips and associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

23. Parking provision shall be in compliance with the Council's latest adopted Supplementary Planning Guidance and the spaces shall be constructed in

permanent materials and retained for the purpose of parking only unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that vehicles are parked off the highway in the interests of road safety.

24. Surface water runoff from roof, yard, drives and parking areas shall not discharge over and on to the public highway drainage system unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to prevent hydraulic overloading and subsequent flooding.

25. The developer shall provide the occupier of each dwelling with a travel plan/welcome pack which should contain information regarding the following: –

- i) Bus/train service providers, their contact details, frequency of service, time table, bus stops/railway stations, current ticket costs and financial incentives to encourage use of public transport.
- ii) Park and ride/park and share facilities and associated costs and restrictions of use of such facilities.
- iii) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure.
- iv) Local and national cycle routes; and
- v) 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 the relevant national and local planning policies.

26. The developer shall submit for the agreement of the Local Planning Authority a programme of improvements to public footpath ANT/314/. The agreed programme shall be implemented in full prior to the occupation of the 200th dwelling.

Reason: To encourage sustainable movement in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

28. Prior to commencement of the development within phase 1 (as referred to in condition 3), the developer shall provide a detailed construction specification, including noise mitigation properties and position of the barrier to be employed to the eastern site boundary (as detailed in Section 5.2 of Noise Assessment 2016, Job No. A075698), so as to achieve noise levels in private external amenity areas in compliance with BS8233:2014 of 55db(A) T or below. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

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

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

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

30. No development shall take place on any identified phase of the development until a site specific Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council.

The Plan shall provide a construction method statement for:

- a) the means of access to 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 construction 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 otherwise agreed in writing with the local planning authority.

The environmental management element of the plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to:

- Procedures for maintaining good public relations, including complaint management, public consultation and liaison.
- Arrangements for liaison with the Council's Pollution Control Team.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
  - 08 00 hours and 18 00 hours Mondays to Fridays and 08 00 hours and 13 00 hours on Saturdays and at no time on Sundays and Bank or Public Holidays.
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - Mitigation measures as defined in BS 5528:parts 1 & 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
  - Procedures for emergency deviation of the agreed working hours.
  - Control measures for dust and other air borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air borne pollutants.
  - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

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

- Site location plan 1549 URB UD XX XX GA 90 013 Draft

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

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