

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

5 DECEMBER 2013

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.4(4)

**SITE MEETING
APPLICATION NO. 13/0179 –
CONSTRUCTION OF A SHARED USE
COMMUNITY ROUTE BETWEEN TALBOT
GREEN AND CROSS INN TOGETHER
WITH ACCESS LINKS TO LLANTRISANT,
GLAMORGAN VALE RETAIL OUTLET,
TALBOT GREEN AND CHURCH
VILLAGE, TO INCLUDE SITE
CLEARANCE, BOUNDARY FENCING, A
NEW WOODEN BRIDGE ON THE LINK
TO THE GLAMORGAN VALE RETAIL
OUTLET, STRUCTURAL REPAIRS TO
RAILWAY BRIDGES, DRAINAGE WORKS
AND ASSOCIATED WORKS. (AMENDED
PLANS RECEIVED MON 30 SEPT WHICH
SHOW THE DELETION OF ACCESS
LINKS 9 AND 12a, A REVISED POSITION
OF LINK 5 AND THE K BARRIER TO THE
REAR OF THE WOODLANDS AND
ADDITIONAL LAND FOR DRAINAGE
WORKS AND REPTILE MITIGATION) –
FORMER TAFF VALE RAILWAY LINE
BETWEEN TALBOT GREEN AND CROSS
INN.**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.121(2) (Development Control Committee, 7 November 2013) a site inspection was undertaken on Tuesday, 19 November 2013 to consider the impact of the proposal on surrounding areas.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Member, County Borough Councillor G.Holmes.
- 3.3 Members met at the end of Main Road, Cross Inn to view part of the proposed community route which would follow the footprint of the original Taff Vale Railway Line starting at Talbot Green and finishing at the eastern end of Cross Inn.
- 3.4 On walking the route to the rear of properties situated on Main Road, Cross Inn, the Local Member enquired as to what measures would be put in place to ensure that properties would be secured and not overlooked by users of the route. The Development Control Officer stated that it was proposed to erect a 2 metre high fence along the boundaries and trees would be planted to block views subject to conditions. However, there were conditions recommended to be imposed in order to secure the precise positioning and details of the boundary treatment and landscaping prior to works commencing.
- 3.5 The Local Member then enquired whether residents affected by the proposal had been fully consulted and informed of the plans for the community route. In response, the Development Control Officer stated that residents had been consulted and given the opportunity to submit their views and letters of objection and support had been received.
- 3.6 The Local Member referred to the numerous objections that had been received from residents affected by the proposal and felt that further dialogue should be entered into with all those affected to discuss their concerns and to address those that are valid. It was suggested that a Liaison Committee Meeting should be convened for this purpose prior to the application being determined.

- 3.7 The Local Member also referred to the fact that there was a possibility that the former railway line might re-open in the future.

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APPENDIX 1

APPLICATION NO: 13/0179/08 (DB)
APPLICANT: Rhondda Cynon Taff CBC
DEVELOPMENT: Construction of a shared use community route between Talbot Green and Cross Inn together with access links to Llantrisant, Glamorgan Vale Retail Outlet, Talbot Green and Church Village, to include site clearance, boundary fencing, a new wooden bridge on the link to the Glamorgan Vale Retail Outlet, structural repairs to railway bridges, drainage works and associated works. (Amended plans received Mon 30 Sept which show the deletion of access links 9 and 12a, a revised position of link 5 and the K barrier to the rear of the woodlands, and additional land for drainage works and reptile mitigation)

LOCATION: FORMER TAFF VALE RAILWAY LINE BETWEEN TALBOT GREEN AND CROSS INN.
DATE REGISTERED: 14/03/2013
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: Approve

REASONS:

The principle of the development is considered acceptable and is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on nature conservation and existing landscape features, residential amenity, drainage, highway safety, contaminated land and archaeology.

APPLICATION DETAILS

This proposal relates to the provision of a 3m wide shared (for walking and cycling) community route, measuring approximately 2.4 km long. It occupies the footprint of the original Taff Vale Railway Line and starts at Talbot Green where Cowbridge Road has been crossed by the A473 and finishes at the eastern end of Cross Inn. It consists of Sections 4 -16 of the overall Proposed Llantrisant Community Route Scheme.

The route would be bounded either side by a 0.5 – 0.75 metre wide verge. The gradient is proposed to ensure that it is suitable for all users and provided at a maximum gradient of 1 in 12. The route is proposed to provide links to the Glamorgan Vale Retail Park at Llantrisant, and residential areas within Llantrisant

and Cross Inn adjacent to Hayfield Place, Westfield Court, Burgess Crescent and Fan Heulog. The route would also link with the existing community routes of the Llantrisant Community Route and the Church Village Bypass (CVBP) Community Route.

The surface would be constructed of black bituminous and the signing would be the same standard signs as already provided as part of the community route of the (CVBP). At either end of the route and at the majority of the proposed links there would be "A" frames or K Barriers with lockable gates, in order to prevent unauthorised vehicles from entering the route, with access restricted for maintenance and emergency purposes.

Street lighting is not proposed to be used, in keeping with the remainder of the adjoining community route of the CVBP.

It is proposed that the route would be less conspicuous in the landscape than the original railway route, as the surrounding woodland has matured and site clearance would be limited to that necessary to provide the route, to have minimal impact on plant and animal life and preserve the natural character of the area. However, it is proposed that, where needed, existing vegetation would be cleared back to existing boundary fence lines or to the edge of existing embankments in order to maximise available light, improve natural surveillance of the route and increase users perception of personal safety.

Where vegetation clearance works expose unsecured property boundaries 2m high close boarded fencing would be provided in order to ensure adequate security is maintained to existing properties.

All site clearance would be undertaken in accordance with the recommendations in the submitted ecological surveys and works would be clearly marked to ensure no disturbance to remaining vegetation. Some minor soft landscaping is proposed where required and street furniture in the form of seating benches, and combined dog waste and litter bins would be provided.

In terms of construction details, the remaining railway tracks and sleepers would be removed and the railway ballast would be retained as a solid free drainage material as a base layer, reprofiled to provide an even grade and compacted prior to surfacing with granular material and finished with tarmac. Either side of the route excavated railway ballast would also be provided. Only a small amount of material would be removed from the site.

There would be structural repairs, vegetation clearance and alterations to the parapets of four existing bridges along the route. These are the rail bridge adjacent to Maes Yr Haul Cross Inn (Bridge No. 4)), rail bridge at Main Road Cross Inn (Bridge No.5) , road bridge of the A4119 (Bridge No. 6) and the

footbridge and road bridge at Cardiff Road (Bridge No's 7 and 7a). A new wooden bridge is proposed to link the route to the Glamorgan Vale Retail Park.

Surface water drainage and ground water is proposed to be managed at source to connect into existing streams and watercourses as it does so at present. There are some areas which experience existing drainage problems in terms of blocked drainage culverts, water logged ground and overgrown drainage ditches. These issues are proposed to be addressed to ensure they are not a maintenance issue.

Sections of the route have been identified for public artworks and these features are to be pursued separately by Sustrans at a later date.

The application is accompanied by the following documents:

- Planning Statement dated February 2013.
- Design and Access Statement Document Revision B.
- Factual Ground Investigation Report No. G316/FGI dated August 2013.
- Tier 1 Contamination Assessment Report dated March 2011.
- Hydrological Impact Assessment Dated August 2013.
- Ecological Surveys Report Dated Dec 2011.
- Bat Surveys(Cardiff Road Bridge) dated July 2013.
- Reptile Mitigation Strategy dated June 2013.
- Updated Otter Survey dated June 2013.

SITE APPRAISAL

The majority of the route would utilise the former Taff Vale Railway Line which runs adjacent to the A473. It commences at the western end at Cowbridge Road which is severed by the A473 Bypass and ties into the Community Route of the Church Village Bypass at its eastern end at Cross Inn.

The route traverses through the settlements of Talbot Green, Llantrisant and Cross Inn and is bounded by primarily residential areas, by the proposed residential land allocated in policy SS10.14 (Penygawsi), by SINC (policy AW8.147) by the Glamorgan Vale Retail Park and Tesco, Talbot Green.

For some of the route only railway ballast remains, whilst for other parts there are concrete and wooden sleepers and at the eastern end the former railway line also remains in place.

Large areas of the route remain clear of vegetation and are easily accessible but there are sections which are heavily overgrown and not easily accessible. The route appears to be used for a number of purposes: for informal recreation, by local residents to access the Glamorgan Retail Park and by children travelling to school.

PLANNING HISTORY

11/0498	Former Taf Vale Railway Line Between Talbot Green & Cross Inn (disused)	Construction of Community Route.	Withdrawn 16/05/12
87/0560	A473 Lanelay Road, West of Talbot Green and Llantrisant By-pass	Single dual carriageway roads with junctions and access roads	No objection. raised 28/07/87

PUBLICITY

The application has been advertised by means of a press notice, site notices and neighbourhood notification. Following the receipt of amended plans on 30 September 2013, the application was advertised by means of a press notice, site notices and via neighbourhood notification to those persons who made representations previously. The following representation has been received:-

13 letters of support have been received making the following comments:-

- Existing Church Village route is very valuable in providing a traffic free path, avoiding busy roads, suitable for all, including disabled persons, and children attending nearby schools including Y Pant and Penygawsi and for recreational and commuter use.
- Will provide a pleasant, enjoyable and safe route, avoiding the urbanisation of Talbot Green.
- A welcome addition for young and old who enjoy the great outdoors.
- The new section will add to enjoyment and pleasure for the area and provide a destination for recreation and tourism for the Llantrisant and Talbot Green area.
- Suggest that an additional link is provided to serve the Cross Inn Area.
- Suggest that the parapet on the bridge adjacent to Maes Yr Haul, Cross Inn is raised in height to prevent vandalism to adjacent residential property, and that fencing is extended 50 -100m either side of the bridge in view of the steep incline either side of the railway track.
- Requested further details about the nature of the fence and gate to be provided adjacent to a private drive to an existing residential property.
- Have always thought the railway line would be an excellent idea and hope it gets built as early as possible.
- Whilst backing onto existing route, have not experienced anti -social behaviour, noise or off-road bike use.

- The location, design and access points seem well thought-out.
- Planning approval will improve the area in terms of sustainable transport, economic benefit and health and wellbeing of the local population.
- Greatly benefit the area in terms of health and fitness and providing a safer route for shoppers to the Glamorgan Retail Park from Talbot Green and the new centre on the Leekes site.
- Until the encroachment of vegetation 15 years ago, regularly use to walk along the route, welcome opportunity to travel again on a well maintained footpath.
- Will help the Council in supporting the aims of the Welsh Government's active travel bill.
- The route forms an important section of the seven-yearly "Beating of the Bounds" ceremony and the Town Trust and Freemen are hopeful that the route would be completed before the next walk in 2017.

5 letters of objection have been received making the following comments:-

- Something that the community do not want should not be allowed.
- There should be no detriment to adjoining users, (Para 11.2.5 of PPW).
- Routes which increase crime risks such as isolated routes to the rear of premises which are not easily overlooked should be avoided, (Para 5.11.6 of TAN12).
- There should be no significant impact upon the amenities of neighbouring occupiers, (Policy AW5 of the LDP).
- The development should design out the opportunity for crime and anti-social behaviour, (Policy AW5 of the LDP).
- The links should be provided without being obstructive or impacting on the neighbouring occupiers (Policy AW5 of the LDP).
- The construction of a fence is put forward to alleviate the above but will exacerbate the problems.
- The path runs immediately behind existing residential properties at an elevated level which will allow unobstructed views into bedroom, landing and bathroom windows, causing security problems particularly as route will be unlit.
- Drainage of the route needs to be addressed as there are substantial flows of water towards Main Road Cross Inn.
- Proposals should be in place to deal with potential fire hazard, in view of substantial build up of flammable material adjacent, and to deal with vandalism, littering and dog fouling.
- Main Road is already used as a car park for ramblers and cyclists using existing route.
- Stopping the path opposite the Cross Inn Pub would save both money and anxiety.
- Less costly options are available.

- RCT will be managing substandard railway infrastructure when it already fails to maintain its own highway and drainage infrastructure.
- Users will be able to look directly into residential property in Mayfield Place Llantrisant, (like a goldfish bowl) resulting in a loss of privacy.
- The public highway parallel to the scheme could be improved to provide an adequate cycleway to save costs bearing in mind the railway is scheduled to reopen.
- There is no safety audit to justify the scheme.
- The scheme would mean that the Authority would be colluding with Network Rail regarding its statutory obligations regarding drainage matters.
- In dispute with Network Rail which has caused flooding and so land cannot be acquired until this matter has been resolved.
- The land ownership is in dispute and notice should be served on an adjacent residential property.
- This scheme blights land that could be used for housing, and containing the route to the railway line results in a lesser standard of cycleway being provided.
- There is no viable economic grounds for retaining the route for railway use.
- Removal of the railway option would allow the removal of the road embankment and parapets of the railway bridge of Old Cardiff Road.
- Would lead to antisocial use and security problems from as early as 6am and as late as 10pm to residents in Cross Inn.
- Other Authorities are involved in providing gates to back lanes on security grounds,
- On grounds of loss of amenity the scheme should be refused as Network Rail failed to police and prevent theft and vandalism.
- There has been no public consultation on other options.

As a result of the second period of advertisement, two letters have been received raising objection, although no new issues have been raised. One letter has been received re-emphasising support and which considers the new location of the 'K' barrier to the rear of the woodlands to be an improvement but the deletion of links 9 and 12a to be a shame.

Other issues not related to this scheme or to planning are raised.

CONSULTATION

Glamorgan Gwent Archaeological Trust – raises no objection to the granting of planning consent.

NRW – raises no objections. Satisfied that sufficient survey work has been undertaken for the relevant European Protected Species (otters and bats). Recommends consultation with the Council's Ecologist re reptile mitigation

strategy. In order to comply with the Council's duty under Section 40 of the NERC Act - to have regard to conserving biodiversity, the planning decision should take account of possible adverse effects on such interests.

Council Ecologist – raises no objections. The bat and otter ecological work has been completed and no roosts or significant use was identified which would require a European Protected Species Licence. Together with the improved reptile mitigation proposal and the deletion of the access link to the east of the A4119, considers that sufficient ecological survey, assessment and mitigation has been undertaken. Recommends conditions to be attached to any permission granted.

Crime Prevention Design Advisor – provides comments and recommendations to ensure that the scheme takes into account Secured By Design (SBD) and the perception and fear of crime and anti-social behaviour.

Transportation Section – raises no highway objections subject to conditions.

Land Reclamation and Engineering Section – raises no objections and recommends drainage conditions on any approval issued.

Public Health and Protection Division – raises no objections and recommends conditions regarding the construction activities in terms of hours of operation, dust suppression, contaminated land and the disposal of waste.

POLICY CONTEXT

Local Policy

Rhondda Cynon Taf Local Development Plan (LDP)

The site is located within the settlement boundary and is allocated for development in accordance with policies SSA19.2 & 3 and SSA21.6, as detailed below.

Policy CS2 – sets out how sustainable development will be achieved, including at (2) promoting the reuse of underused and previously developed land and buildings, (6) promoting sustainable forms of transport, (8) promoting and enhancing transport infrastructure services to support growth and investment.

Policy CS8 – sets out how improvements to the strategic network will be secured. These include walking and cycling provision in accordance with Policy SSA21.

Policy AW5 – supports development where amenity and accessibility criteria are met, including Amenity a) no unacceptable effect on the character and appearance of the site and the surrounding area, b) where appropriate, existing site features of built and natural environment value would be retained, c) there

would be no significant impact upon the amenities of neighbouring occupiers, d) the development would be compatible with other uses in the locality, f) the development designs out crime and anti-social behaviour, and Accessibility c) the development would have safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion.

Policy AW6 – supports development with a high standard of design and place making including where the design protects and enhances the landscape and biodiversity.

Policy AW7 only permits development which would seek to protect and enhance existing built environment features.

Policy AW8 – only permits development which would preserve and enhance features of the natural environment subject to certain criteria being met.

Policy AW10 - does not permit development which would cause or result in a risk of unacceptable harm to health and /or amenity because of 2) noise pollution, 3) light pollution, 4) contamination, 7) water pollution and 8), flooding.

Policy SSA19.2 & 3 – safeguards land for the provision of new stations at Cowbridge Road - Talbot Green and Cardiff Road – Llantrisant as part of the development of a passenger railway service.

Policy SSA21.6 states that the existing network of cycle paths and community routes will be extended, improved and enhanced, to include schemes at Pontypridd to Tonyrefail via Llantrisant.

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 3 (Making and enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 11 (Tourism, Sport and Recreation), Chapter 12 (Infrastructure and Services) and 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 Notes (TAN) 13: Tourism, 5 Nature Conservation and Planning, 10 Tree Preservation Orders, 11 Noise, 12 Design, Development and Flood Risk, 16: Sport Recreation and Open Space, 18 Transport.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any

determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Main Issues:

Principle of the proposed development

Impact on nature conservation and landscape features

Impact on residential amenity, crime and anti social behaviour.

Principle of the proposed development

The proposed community route involves the provision of a sustainable means of travel for walking and cycling for both short trips and as part of longer journeys for recreation and tourism purposes. The route is proposed as a continuation of the existing community route network, including the Church Village Bypass Route and the Llantrisant Community Route. The route therefore forms part of the improvement of the strategic transport infrastructure system to assist with the growth and investment proposed by the LDP.

The proposed route would utilise a disused railway line and would provide a segregated, traffic free route with new links to residential areas as well as the Glamorgan Vale Retail Park.

The disused railway line forms part of the Pontypridd to Tonyrefail via Llantrisant proposed community route , as included within Policy SSA 21.6 of the LDP. Land is also safeguarded for new stations at Cardiff Road - Llantrisant and at Cowbridge Road -Talbot Green as part of the development of a passenger railway service in accordance with Policy SSA19. 2 & 3 of the LDP. Whilst these policies would appear contradictory, it is considered that were the passenger railway service to be developed in the near future, then the provision of a cycleway along the disused railway would not prejudice the development of this service.

In conclusion it is considered that the principle of the proposed development is acceptable.

The main considerations in the determination of the application are the impact on nature conservation and landscape features and impact on the amenities of neighbouring properties.

Impact on nature conservation and existing landscape features

The application is accompanied by an original Ecological Report dated December 2011 which has been updated with a Bat and Otter Survey and a Reptile Mitigation Strategy, all dated June 2013. The Bat Survey relates to the bat usage of Cardiff Road Bridge, the Otter Survey is an updated otter survey and the Reptile Mitigation Strategy involves a strategy for avoiding risk and/or injury to the high reptile populations of slow worms and common lizards along the route. These reports have been assessed by Natural Resources Wales and the Council's Ecologist. Natural Resources Wales have advised that sufficient survey work has been undertaken for the relevant European Protected Species (otters and bats) and has advised that no roosts or significant use have been identified which would require a derogation license. The Council's Ecologist has advised that the original baseline ecology survey together with the reptile mitigation strategy represents sufficient ecological survey work and assessment. The Council's Ecologist has raised no objections subject to the imposition of conditions to ensure adequate mitigation is implemented.

It is therefore considered that the proposed scheme complies with national and local planning policies in respect of its impact on nature conservation.

The original Ecological Report also assessed the impact on existing trees and habitats along the whole route. Areas of broad-leaved woodland, dense scrub, scattered scrub and trees, semi-improved grassland and marshy grassland would be lost along the 5 metre clearance corridor. Subject to a number of mitigation measures to include supervised site clearance outside the bird nesting season and section felling of larger trees to minimise the impacts on birds and bats, these losses are assessed as being a minor negative impact. Furthermore, no important hedgerows or trees covered by a Tree Preservation Order would be effected by the clearance works.

Overall it is considered that subject to the imposition of conditions to secure a wildlife protection plan, the provision of bird and bat boxes, the provision of a reptile mitigation scheme, the protection of retained trees, the treatment of Japanese knotweed and inclusion of tool – box talks, the impact on nature conservation and existing landscape features would be acceptable.

It is therefore considered that the proposed scheme complies with national and local planning policies in respect of its impact on existing landscape features.

Impact on residential amenity and perceived effects of crime and anti social behaviour

As the proposed community route and its links are situated in close proximity to a number of residential properties there is the potential for the route and for construction activities to have an impact on the residential amenity of these properties and to generate crime and anti-social behaviour. The proposals include a number of measures to ensure that these impacts would be minimised.

The design of the route has avoided sharp corners and turns and users of the new route should help to provide natural surveillance for neighbouring properties along the route. The use of appropriate signing should create an awareness for users of how to behave. In addition, the scheme avoids concerns regarding light pollution as, in line with the adjoining Church Village Bypass Community Route, the route is not proposed to be lit.

The route involves the use at either end and at the majority of the proposed links of "A" frames or K Barriers with lockable gates, in order to prevent unauthorised vehicles, such as off road motorcycles from accessing the route, with access restricted for maintenance and emergency purposes only. Local concern has been expressed about the absence of such a barrier adjacent to Maes Yr Haul/Bryn Yr Haul. It is therefore considered that an additional barrier should be provided to remove perceived risks at this location.

The provision of close boarded fencing up to 2 metres in height along the boundary of the route to adjacent residential properties and raising the heights of bridge parapets and use of galvanised wire meshing should reduce the impacts on the majority of properties along the route. It is considered that the precise details of the location and heights of the fencing and boundary treatments should be secured by condition following site clearance in order to ensure that a robust and secure boundary is provided.

It is considered that for those residential properties immediately adjacent to the route, with limited rear gardens, (at the Cross Inn end) there is the potential for the perception of privacy and overlooking issues still to arise. It is considered that the planting of specimen trees at these locations, to provide a visual screen, should be secured by condition to minimise these concerns. The deletion of the Cross Inn section of the route has been considered by the applicant but has been discounted as it would result in users joining the route at a location likely to cause a highway safety issue.

Street furniture in the form of seating benches, combined dog waste and litter bins are proposed, but the location of these features has not been provided. It is considered that the location should be secured by condition, to ensure that they do not cause an impact on residential amenity.

It is considered that effective management of the proposed route is necessary in order to ensure that the adjoining properties feel safe and secure and this can be also secured by condition.

In relation to construction activities, the Public Health and Protection Division have recommended conditions in order to restrict the hours of work so that they do not occur during anti-social times of the day and that best practice is employed to minimise noise and dust generation. Conditions are therefore

recommended regarding the permitted hours of construction and to ensure that noise and dust emitted is not a source of nuisance to the occupants of nearby residential properties.

In conclusion, it is considered that with the imposition of conditions to control the hours of working, minimise noise and dust during the construction activities, conditions to secure appropriate fencing, landscaping, street furniture and long term management of the route, there would be sufficient measures in place to alleviate concerns raised by local residents and ensure that the impact on residential amenity, crime and anti-social behaviour should be minimised to acceptable levels.

OTHER ISSUES

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

Drainage

There is no identifiable positive drainage throughout the majority of the route although most of the route is made up of railway ballast which is generally well draining. There are a number of drainage ditches and culverts which would be potentially affected by the proposed development which are believed to drain into the Afon Clun. The proposed drainage design allows for draining the impermeable areas into the railway ballast, a 1 in 100 year probability flood event plus 30% for increase as a result of climate change, the clearing of the existing culverts and ditches to enable optimum performance and providing additional ditches to match existing. The Hydrological Impact Assessment accompanying the application focuses on the impacts on the local and wider hydrological environment of the Ely catchment. The Assessment has identified a number of mitigation measures to be incorporated into the construction design and concludes that the proposed works should have little or no negative effect on the existing drainage systems, in terms of water quantity and water quality. NRW and the Council's Drainage Officer have considered the proposals and have raised no objections to the scheme. It is therefore considered that the representation received in respect of the drainage implications of the proposed development have been addressed subject to a condition to secure compliance with the Hydrological Impact Assessment.

Highway Safety

Highway safety matters of the proposed community route primarily extend to the provision of the new links to the existing highway network, either to existing estate roads, public footpaths or to retail development and to the likely disruption of the construction operations. The Council's Transportation Section initially raised concern about the link to the Glamorgan Retail Park. However, the

amended plans received 30.09.13 have overcome these concerns by relocating the link so that it joins up with an existing footway. No objections have now been raised subject to the imposition of conditions to require a road safety audit prior to beneficial use and a construction method statement.

Contaminated land

As the site runs along a former railway line there is the potential for contamination to exist on the site. A Tier 1 Contamination Assessment Report and a Ground Investigation Report accompany the application. The Council's Contaminated Land Officer has considered these documents and has advised that the contamination on the site has been assessed as low. Therefore no objections are raised subject to a condition to provide a validation report prior to beneficial use.

Archaeology

As the route follows the line of the former Llantrisant and Taff Vale Junction Railway, the Glamorgan Gwent Archaeological Trust Limited (GGAT) has been consulted. GGAT have advised that the railway was constructed across open land where there were no known archaeological sites when it was originally opened in 1863. GGAT have advised that whilst sections of rails and sleepers still survive, all notable features (apart from the bridges crossing the lines) have been removed and the station at Cross Inn demolished. GGAT therefore raise no objections to the granting of planning permission.

Conclusion

In conclusion, it is considered that the proposed community route would comply with the relevant policies of the local development plan in respect of its impact on nature conservation and existing landscape features, residential amenity, drainage, highway safety, contaminated land and archaeology, (policies AW5, AW6, AW7, AW8 and AW10). It is considered that the scheme would not be so demonstrably harmful to interests of acknowledged importance that they would justify rejecting the scheme in the public interest.

RECOMMENDATION: Grant

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

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

2. The development hereby permitted shall be undertaken in accordance with the submitted Ecology Report (Mitigation Measures), Reptile Report (Mitigation Measures), Reptile Mitigation Strategy (with revised submitted

plans dated 30.09.13), unless otherwise approved by the Local Planning Authority.

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

3. The use of the community route hereby permitted shall not commence until details of the type and location of combined dog/litter bins and seating benches, to be provided have been submitted to and approved in writing by the Local Planning Authority and installed in accordance with that approval. The facilities shall be maintained thereafter as approved.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Furthermore an additional A frame or K barrier shall be provided adjacent to the entrance to the community route adjacent to Maes yr Haul/Bryn Yr Haul.

The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Before any work is commenced on site, 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 round each tree to coincide with the extremity of the canopy of the tree. Within the areas 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 placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

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

8. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - 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 with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

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

9. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia japonica*, *Rosa decaene*, *Polygonum cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

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

- 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.
- A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
- A written method statement for the remediation of contamination affecting the site

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

11. The use of the community route, hereby permitted, shall not commence until the measures approved in the scheme (referred to in Condition 10) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

13. Construction works on the development shall not take place other than during the following times:
- Monday to Friday 0800 to 1800 hours;
 - Saturday 0800 to 1300 hours;
 - Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The development hereby permitted shall be implemented in accordance with the submitted Hydrological Assessment regarding mitigation, design details and development with respect to:
- Protection of open and culverted sections of the existing watercourse during and after construction;
 - Protection of properties downstream of the development from increased flood risk during and after construction owing to the development;
 - Protection of properties within the development from flood risk; and
 - No surface water to discharge onto the public highway/or highway drainage system, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining

properties and environment with respect to drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. The Community Route shall not be occupied until the drainage works have been completed in accordance with the approved plans.

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

16. The proposed development shall be carried out in accordance with the submitted engineering design and details unless otherwise agreed in writing by the Local Planning Authority.

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

17. Prior to the development being brought into use, a road safety audit shall be carried out and submitted to and approved in writing by the Local Planning Authority and any mitigation measures identified shall be implemented in accordance with the approved details.

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

18. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:-

- the means of access into the site for all construction traffic;
- the parking of vehicles of site operatives and visitors;
- the management of vehicular and pedestrian traffic;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel cleansing facilities;
- pollution prevention measures;
- the suppression of dust caused by the moving and storage of materials to and from the site, from site excavations and disturbance at site entrances;
- provision of a water bowser to spray roads when required, with an adequate water supply;
- use of silencing equipment on machinery and vehicles;
- notification to the Local Planning Authority and local residents of any particularly noisy or disruptive activity.

The approved Construction Method Statement shall be adhered to

throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

19. Prior to the beneficial use of the community route hereby permitted, a management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include, inter alia, details of how the community route would be operated, managed and maintained by the developer to ensure that the route, boundary treatment and facilities are secure, and that they design out crime. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

5 DECEMBER 2013

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING - APPLICATION NO. 13/0179 – CONSTRUCTION OF A SHARED USE COMMUNITY ROUTE BETWEEN TALBOT GREEN AND CROSS INN TOGETHER WITH ACCESS LINKS TO LLANTRISANT, GLAMORGAN VALE RETAIL OUTLET, TALBOT GREEN AND CHURCH VILLAGE, TO INCLUDE SITE CLEARANCE, BOUNDARY FENCING, A NEW WOODEN BRIDGE ON THE LINK TO THE GLAMORGAN VALE RETAIL OUTLET, STRUCTURAL REPAIRS TO RAILWAY BRIDGES, DRAINAGE WORKS AND ASSOCIATED WORKS. (AMENDED PLANS RECEIVED MON 30 SEPT WHICH SHOW THE DELETION OF ACCESS LINKS 9 AND 12a, A REVISED POSITION OF LINK 5 AND THE K BARRIER TO THE REAR OF THE WOODLANDS AND ADDITIONAL LAND FOR DRAINAGE WORKS AND REPTILE MITIGATION) –FORMER TAFF VALE RAILWAY LINE BETWEEN TALBOT GREEN AND CROSS INN.

Minute No.121(2) (Development Control Committee, 7 November 2013)