

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE**

**20 NOVEMBER 2014**

**JOINT REPORT OF THE  
DIRECTOR LEGAL AND  
DEMOCRATIC SERVICES  
AND THE SERVICE DIRECTOR,  
PLANNING**

**Agenda Item No.4**

**SITE MEETING  
APPLICATION NO. 14/0893 –  
DEVELOPMENT OF SITE TO PROVIDE  
UP TO 80 DWELLINGS WITH  
ASSOCIATED INFRASTRUCTURE  
(OUTLINE) – ELMS FARM OFF STRYD  
SILURIAN, LLANHARRY**

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Mr.G.Davies, Team Leader – Development Control**

**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 subject to the developer entering into a Section 106 agreement as set out in Appendix 1.

**3. BACKGROUND**

3.1 In accordance with Minute No.93 (Development Control Committee, 16 October 2014) a site inspection was undertaken on Tuesday, 28 October 2014 to consider the impact of the proposed development on the surrounding area including highways and public health issues.

3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B.McDonald and W. D.Weeks respectively) and Committee Members - County Borough Councillors M.Griffiths, G.Smith, (Mrs) J.S.Ward and E.Webster. Non-Committee Members – County Borough Councillors P.Griffiths and B .Stephens were also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L.M.Adams, P.Jarman, C.J.Middle, S.Rees, G.Stacey and G.Thomas.
- 3.4 Members viewed the application site and were informed by the Development Control Manager that outline planning permission was being sought for residential development to provide up to 80 dwellings with associated infrastructure works with all details reserved for future consideration.
- 3.5 Members noted that this was an unusual application from a planning policy perspective in as much as even though the site was outside the settlement boundary and within a green wedge as defined by the Local Development Plan, there was a strong material consideration in the form of the need to maintain a five year supply of land for housing development. The Development Control Manager reported that there was, on balance, a strong case for releasing the land for development despite its green wedge status. The applicant had been able to demonstrate that the impact on the green wedge in particular was minimal and the balance, therefore, had to fall in favour of maintaining the housing land supply.
- 3.6 The Transportation Officer confirmed there was no objection to the proposed development subject to conditions and the developer entering into an agreement under Section 106 of the Town and Country Planning Act to secure the appropriate transport tariff financial contribution commensurate with the final number of houses to be built on the site.
- 3.7 The Environmental Health Officer confirmed no objection to the proposal subject to the imposition of appropriate conditions relating to contamination and noise. The Environmental Health Officer stated that the applicant had submitted, as part of the application, a noise assessment based on indicative plans and there was a requirement that the applicant would have to re-submit a noise assessment in the event of those plans changing. It was noted that a condition would also be imposed to ensure that no houses were built within 25 metres of the M4 motorway.
- 3.8 Non-Committee/Local Member for Llanharry – County Borough Councillor B.Stephens – commented that the proposed development would round off the existing development at Elms Farm and provide much needed housing in the area. It would also provide, through the proposed Section 106 agreement, a play area and surrounding informal open space.

- 3.9 Non-Committee/Local Member for Pontyclun – County Borough Councillor P.Griffiths – then referred to existing highway safety problems at the junction of Llanharry Road and the A4222 Cowbridge Road at Brynsadler which would be exacerbated if further residential development was allowed. He stated that serious traffic congestion and sometimes gridlock were experienced owing to type and volume of traffic using this route from Llanharry to Pontyclun and beyond. A mini-roundabout was proposed at the junction in question and the Officers were asked how this could be achieved and alleviate traffic congestion. County Borough Councillor Griffiths considered that the current situation could only improve if parking on Brynsadler hill was prohibited but he accepted that this was not an easy issue to resolve.
- 3.9 The Transportation Officer pointed out that resolving the highway problems referred to were beyond the planning application before Members, however, the relevant Officers were asked to look into the possibility of utilising monies from the proposed Transport Tariff arising from the proposed development towards improving the highway situation at Brynsadler and to report back on their findings to the Development Control Committee.

#### **4. UPDATE REPORT**

- 4.1 Since the matter was first reported to Members, The Welsh Government have responded to consultation requiring the following conditions to be added to any consent that might be issued in respect of the current proposal –
1. Any existing boundary feature that is the property of the Welsh Government shall not be removed or interfered with in any way.
  2. No drainage from the proposed development shall be connected to or allowed to discharge into the trunk road drainage system. The form and detailed design of any drainage to be incorporated within the proposal would need to be agreed in advance with the Local Planning Authority and the trunk road agent (SWTRA).
  3. Any subsequent works approved by Welsh Government would be undertaken such that they would not in any way effect the stability of the motorway embankment or any drainage ditches , filter drainages or other drainage apparatus to be identified in the area.
- 4.2 No reason is offered for the conditions by the Welsh Government and it is suggested that the following would serve as reason for all three new conditions:–

“In order to maintain the integrity of the adjacent motorway”

- 4.3 In addition to this and having given further consideration to the comments of the Public Health & Protection Division, it would also be appropriate to add the following conditions to any approval of the scheme: –

1. If there is any substantive alteration in the proposed layout from the indicative layout at the reserved matters submission stage then the applicant will also be required to submit a further noise assessment for the proposed development.

Reason: in the interests of ensuring an adequate standard of residential amenity as the submitted noise assessment has been drafted specifically to relate to the indicative layout and any substantive alterations in the layout could potentially invalidate its findings and the acceptability of the scheme.

2. No property shall be built within 25 of the carriageway of the M4 motorway.

Reason: In the interests of maintaining residential amenity within the proposed development.

- 4.4 In the interests of providing clarity, Members are advised that as this outline planning application is expressed as specifically being for 80no. dwellings the affordable housing provision will be as expressed in the original report.
- 4.5 Notwithstanding the content of the initial report, and following discussion between the Local Member, officers and the applicant there is agreement that play provision at the development should be a Local Equipped Area for Play and not a Neighbourhood Equipped Area for Play as originally reported.
- 4.6 In addition to the transport tariff contribution outlined in the original report, the Section 106 agreement should also contain a financial contribution of £28,000 as a pro rata contribution to the improvement of the Llanharry Road/Cowbridge Road junction as per the original advice of the Highways Development Control Manager.
- 4.7 At the site meeting held on 28<sup>th</sup> October 2014, Members expressed a desire to explore the possibility of using transport tariff contributions to fund improvements on the Llanharry Road/Cowbridge Road A4222 junction as a means of ameliorating the impact of the development now proposed. Members are advised that Supplementary Planning Guidance on Planning Obligations is clear on the issue that the transport tariff is not intended to solve existing transport problems or those that arise out of natural growth, it is intended to address wider issues on the strategic

highway network and this would not include the local problems that would be associated with the junction referred to or for that matter the creation of a means of access to service a small number of properties. Consequently, the financial contribution mentioned in the above paragraph represents the appropriate and proportionate response in this particular issue.

- 4.8 In addition to the above, Members are also advised that since the matter was initially reported we have received four further letters from residents of Brynsaddler opposing the proposed development on the basis of the application proposal adding further weight to traffic on Llanharry Road and the consequent impact that this will have on the A4222 Cowbridge Road/Llanharry Road junction. The objections also complain about the lack of notification of the proposals to residents of Brynsaddler hill, the fact that the application is not included in the Local Development Plan and the content of Traffic Statement that accompanies the application. They also make reference to the comments in the original officer report which refers to the transport tariff contribution being used to address the problem. This was an error in the drafting of the original report, as mentioned above it is not the purpose of the Transport tariff to address non strategic issues. What the original report should have referred to is the original £28,000 pro rata financial contribution mentioned above.

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## APPENDIX 1

**APPLICATION NO:** 14/0893/13 (GD)  
**APPLICANT:** Llanmoor Development Co Limited  
**DEVELOPMENT:** Development of site to provide up to 80 dwellings with associated infrastructure (Outline)  
**LOCATION:** ELMS FARM, OFF STRYD SILURIAN, LLANHARRY, PONTYCLUN, CF72 9GB  
**DATE REGISTERED:** 15/07/2014  
**ELECTORAL DIVISION:** Llanharry

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**RECOMMENDATION:** Approve, subject to a S.106 Agreement

### REASONS:

The principle of the proposed development is on balance considered acceptable given the need to maintain a five year supply of land for housing and the unique circumstances of this particular site.

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### APPLICATION DETAILS

This planning application seeks outline planning permission for residential development and associated infrastructure works with all details reserved for future consideration

As an outline planning application with all matters reserved for future consideration the applicants have provided as required the following maximum and minimum dimensions for the dwellings proposed for this development.

	Minimum	Maximum
Width	4.5m	10.5m
Depth	7m	10m
Height	4m	10m

The figures quoted above have a broad range but are not unduly dissimilar to the range of dimensions the developer has made effective use of on the adjacent development site and in all likelihood final dimensions will fall within the range expressed.

In addition to the forms certificates and plans the application is accompanied by the following:

- Planning Statement.
- Design and Access Statement.
- Transportation Statement.
- Environmental Noise Assessment.
- Extended Phase 1 Habitat Survey.
- Landscape & Visual Impact assessment; and
- A Planning Statement Addendum.

## **SITE APPRAISAL**

The site subject of the current application comprises an L shaped area of some 2.36 hectares of land located at the south eastern extent of the village of Llanharry. The land is undeveloped and unimproved agricultural land used mostly for grazing. The site is well defined by existing housing located to the north and west with the M4 motorway to the south and a hedgerow and lane on its eastern boundary. The site is relatively flat though there is a fall towards a central point on its southern boundary. Though the site abuts the motorway on its southern side a strong tree and hedgerow belt also sits between that boundary and the road itself. The site currently sits within its own field boundaries with access from Stryd Silurian.

## **PLANNING HISTORY**

04/2333	Residential Development of 70no. Dwellings & Associated Works (Outline Application)	Refused 14/06/06
01/2749	Demolition of Existing Agricultural Buildings and Residential Development (Outline Application)	Refused 19/10/01
01/2118	Demolition of Existing Barns & Stables and Residential Development Outline Application)	Withdrawn 01/05/01
97/2079	Demolition of Redundant Agricultural Buildings and Residential Development (Outline Application)	Refused 05/01/99
90/0627	Residential Development	Refused 25/10/90

In addition to the above the following applications are relevant in the context of the wider area.

07/0786	Residential Development – 1 Dwelling (Outline Application)	Refused 05/06/2007
06/2037	Erection of 2no. Detached Dwellings (Outline Application)	Refused 18/12/2006



05/0535	Residential Development, 8no Detached Dwellings and Associated Works	Granted 11/05/2005
04/1546	Erection of a Dwelling	Refused 06/10/2004

## **PUBLICITY**

The application has been advertised by means of press notice, site notices and neighbour notification letters, this has generated a total of 3 responses expressing the following objections and concerns.

- The application site is designated green wedge in the Local development Plan and should remain so.
- The site is a green belt area and should remain so.
- One resident who has been resident at Elms Farm since 2007 believes that the original consent made provision for an amenity area and that development of this site would mean no greenery whatsoever in the wider site.
- Llanmoor have recently been granted permission for development on the Western end of the site and if this proposal is allowed the entire site will be densely developed with no greenery anywhere.
- Development elsewhere in Llanharry means that there is ample supply of new and in some cases affordable housing in the immediate local area.
- It is questioned whether the Local Development Plan makes any provision for the housing now proposed.
- One resident points to the presence of a high pressure gas main in the vicinity of the site and that it might have consequences for the development of the wider site if the proposal is approved.
- The amount of traffic at certain times passing through Llanharry, Brynsadler and eventually Pontyclun is far too busy to consider the accommodation of any more.
- There is no park for children as had been promised some time ago.
- Buses are infrequent through Llanharry.
- The amount of construction traffic is presently too much for the access road and they have to queue to enter and leave the site so it is questioned where would the construction traffic for this site be situated. Noise levels from the M4 are extremely high at all times and existing housing has not been provided with noise attenuation.
- More housing will lead to greater problems accessing and leaving the estate
- Cars park on the estate access road bend and this has already resulted in several near misses.
- Houses being built on this site would lead to there being no separation between Llanharry and Brynsadler.

- One resident has complained about the extent of advertising of the application and the time allowed to respond.

## **CONSULTATION**

Transportation Section – raise no objection subject to conditions and the developer entering into an agreement under Section 106 of the Town & Country Planning Act to secure the appropriate transport tariff financial contribution.

Land Reclamation & Engineering Manager – no objections subject to conditions.

Public Health & Protection – raise no objection to the proposed development subject to the imposition of appropriate conditions relating to contamination, and noise.

Education & Lifelong Learning – raise no objection to the proposal and indicate that they would require a financial contribution through a Section 106 agreement at a level commensurate with the number of eligible dwellings to be provided on site.

Parks & Countryside – there are no relevant records of statutory protected species from the immediate vicinity an appropriate bat informative note may be needed on any planning permission.

It is unrealistic to attempt to protect the small area of marshy grassland on the site, though any future layout should allow the adjacent trees and hedgerows to be properly protected and the ecology report comments in respect of light fall need to be respected. It is suggested that a wildlife protection plan might be necessary for the development advised by nesting bird protection and reptile mitigation.

The development should make provision for a Local Equipped Area for Play and associated commuted sums if the area is to be vested with the Council.

Natural Resources Wales – does not object to the proposed development and also recommends conditions to deal with the drainage issues associated with the site.

Housing Strategy – based on the findings of the local housing market assessment 2012 it is recommended that the following unit mix be provided on site.

8 x 1 bedroom units for social rent (walk up units – no communal area)  
3 x 2 bedroom houses for social rent  
5 x 2 bedroom houses for low cost home ownership.

Western Power Distribution – no observations received.

Wales & West Utilities – raise no objection to the proposed development and advise in respect of the presence of their apparatus, including a high pressure gas main in the vicinity of the application site, and safe working practices to be adopted when working in proximity to it.

South Wales Fire& Rescues Service – no observations received.

Welsh Government Highways – no observations received at the time of report preparation.

Glamorgan Gwent Archaeological Trust – “As the archaeological advisors to your Members, we have no archaeological objection to the determination of the application.”

City & County of Cardiff – “I refer to the above application and would inform you that Cardiff County Council has no objections to the proposed development.”

Vale of Glamorgan CBC – “Consideration has been given to this matter and I would advise you that this Authority does not wish to make any observations on the proposal.”

## **POLICY CONTEXT**

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

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy CS5** – sets out the Council’s objectives in the delivery of affordable housing.

**Policy AW1** – sets criteria for the delivery of new housing in accordance with the strategy and objectives of the local development plan.

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

**Policy AW4** – States the type of community infrastructure and planning obligation contributions that the Council will be seeking in relation to development proposals.

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

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

**Policy AW8** – sets out policy for the protection and enhancement of the natural environment, including that proposals should not result in harm to sites with recognised nature conservation interest or have an unacceptable impact on features of importance to landscape or nature conservation.

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

**Policy SSA11** – sets a minimum density requirement of 35 dwellings per hectare for the southern strategy area of the County Borough.

**Policy SSA12** – seeks the provision of 20% affordable housing on residential developments of five dwellings or more.

**Policy SSA13** – gives criteria for housing development within settlement boundaries and supporting paragraph 6.160 states that development will not be permitted outside the proposed settlement boundary.

**Policy SSA22** – states that development that would prejudice the open nature of land in green wedges will not be permitted.

### **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 2 (Development Plans),

Paragraph 2.1.2 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

##### Chapter 3 (Making and Enforcing Planning Decisions),

Paragraph 3.1.2. In line with the principles of sustainable development planning decisions should be made in accordance with the policies of the local development plan unless material circumstances dictate otherwise

Paragraph 3.1.5. Local Planning Authorities should have good reason if it approves a development which is a departure from the approved or adopted development plan.

##### Chapter 4 (Planning for Sustainability),

Paragraph 4.8.14 states that there is a presumption against inappropriate development in green wedges. Substantial weight should be attached to any harmful impact which a development would have on a green wedge.

Paragraph 4.8.15 states that inappropriate development in green wedges should not be permitted except in very exceptional circumstances. These would be

where other considerations clearly outweigh the harm which such development would do to the green wedge.

Paragraph 4.8.16 defines inappropriate development, which does not include non-affordable housing beyond “limited infilling” in settlements identified for limited infilling in the development plan.

Chapter 5 (Conserving and Improving Natural Heritage and the Coast),

Paragraph 5.1.3. A key role of the planning system is to ensure that society’s land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated.

Paragraph 5.5.1. It is important to balance conservation objectives with the wider economic needs of local businesses and communities.

Chapter 8 (Transport),

Paragraph 8.7.1. When determining a planning application that has transport implications local planning authorities should take into account:

- The impacts of the proposed development on travel demand.
- The level and nature of public transport provision.
- Accessibility by a range of transport modes.
- The willingness of developers to promote modes of transport other than the private car.
- The environmental impact of both transport infrastructure and the traffic generated.
- The effects on the safety and convenience of other users of the transport network.

Chapter 9 (Housing),

Paragraph 9.1.2 advocates residential development that is easily accessible by public transport, cycling and walking, and making the most efficient use of land.

Paragraph 9.2.3 states that a five-year supply of housing land should be available.

Paragraph 9.2.14 and TAN2 state that a community’s need for affordable housing is a material consideration.

Paragraph 9.3.1 states that new housing developments should be well integrated and connected to the existing pattern of settlements.

Paragraphs 9.3.3 & 9.3.4 state that residential developments, including conversions, should not be allowed to damage an area's character or amenity.

Chapter 12 (Infrastructure and Services),

Paragraph 12.1.6. States that the capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of development plans and the consideration of planning applications. In general Local Planning Authorities should seek to maximise the use of existing infrastructure and should consider how the provision of different types of infrastructure can be coordinated.

Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

Sections 13.5 – 13.7 – Sets out the Welsh governments position in respect of contaminated and unstable land and the approach to be adopted to these issues when dealing with planning applications that might be affected by them

It is considered that the issues highlighted above set out the Welsh Government's policy on planning issues that are most relevant to the determination of this planning 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 18: Transport;  
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:**

Given the nature of the proposal currently before members as an application for residential development outside of settlement limits and within a green wedge; and the type of application proposed being an outline planning application, the principal issue in the determination of this application is the principle of development itself.

## **Principle of the proposed development**

In considering the principle of residential development on this site the key determinants are set out in chapter 4 of Planning Policy Wales and Technical Advice Note 1 Joint Housing Land Availability Studies.

The application site lies outside of the settlement limits of Llanharry and within a green wedge and is therefore in conflict with local development plan policies AW2 and SSA22. The question is therefore whether there are any material circumstances that would justify the grant of planning permission in this case?

The five year housing land supply is currently in shortfall at only 3.7 years. The applicants planning statement makes the case that the shortage of land available for housing is a significant material consideration in the consideration and determination of this planning application that has to be weighed in the planning balance against the designation constraints within the adopted Local Development Plan. It is therefore appropriate in the first instance to consider the issues of housing land supply and the policy constraints that affect this proposal.

Planning Policy Wales at paragraph 4.8.16 is clear that the construction of new buildings in the countryside is only acceptable in specifically defined circumstances that the current proposal does not meet as it is not for

- Justified rural enterprise needs.
- Outdoor facilities for sport or recreation or other uses of land that maintain the openness of the green wedge, or
- For the limited alteration extension or replacement of existing dwellings.

The application site lies outside of the settlement boundary and the proposed development at up to 80 units could not be considered infilling and in any event would have to be considered an inappropriate development in the green wedge.

To an extent this is reinforced by the preceding paragraph 4.8.14 in Planning Policy Wales which promotes a presumption against inappropriate development in a green wedge. On the face of it the building of up to 80 units on 2.36

hectares of open ground even with the retention of some public open space would have a harmful effect on the green wedge as its character or at least part of its character would shift from open to closed and this harmful impact does carry substantive weight.

Paragraph 4.8.15 of Planning Policy Wales is clear, stating that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such developments would do, and these very exceptional cases should be treated as departures from the plan. For any development in a green wedge to be acceptable there would have to be a very exceptional circumstances case brought forward. The need to increase housing land supply might be that exceptional consideration

Technical Advice Note 1 is clear that where the current study shows a land supply below the five year requirement the need to increase the supply should be given considerable weight provided that the development would otherwise comply with national planning policy.

In this case at a national policy level there are clearly competing policy requirements where the harmful impact of the proposed development on the green wedge needs to be balanced against the clear requirement to make more housing land available. Neither competing policy objective holds primacy over the other and consequently it is important to give consideration to the specifics of the case and particularly the settlement limits, the nature of the green wedge and the landscape and visual impacts of allowing the site to be developed.

On the issue of the settlement boundary the applicant argues that the wholly exceptional need to release further land for housing development to address the shortfall makes it inevitable that any additional land coming forward for development would be outside of the settlement limits and that there are certain site specific characteristics that would make the site suitable for residential development without setting a precedent for the wholesale release of land for residential development elsewhere. Among the site specific issues raised are the arguments that the site enjoys a stronger relationship with the built form of Llanharry than it does with the green wedge as a result of its clearly defined boundaries and it being enclosed on three sides by built development or major infrastructure. Furthermore, the association with the built form of Llanharry is further enhanced by the strong nature of its fourth eastern boundary in the form of a dense hedgerow and lane. Members are advised that the claim that these characteristics make it unique within the Llanharry catchment are true and additionally such features set a high bar that few sites that might come forward on a speculative basis outside of settlement limits could match, be it in Llanharry or elsewhere. The applicants also point out that the site is unique in that it is the only area of land abutting the settlement boundary of Llanharry that is not part of the designated Special Landscape Area and it would therefore not result in any



significant impact on any area of landscape value and therefore forms a logical location for further development. They also go on to claim that in their view the proposals other than being outside of settlement limits is capable of meeting the requirements of Local development Plan Policies AW2 and SSA13. In respect of these later claims there is certainly a logic to the first though the second is not entirely true as in the view of officers to demonstrate complete compliance with AW2 the developer would have to explain how the proposal would support the development of the eight strategic sites and this they have made no reference to.

The issue of the green wedge designation of the site the developer recognizes needs to be given greater weight than that of the settlement boundary as such designations are intended to perform a higher status function. However they go on to argue that the particular characteristics of the site would not result in a harmful effect on the green wedge in this particular instance. Whilst the building of up to 80 dwellings on the site would in the view of officers harm a part of the green wedge to an extent by changing its character from open ground to developed land, the case here again hinges on the site specific issues that need to be considered against the site analysis undertaken in the landscape and visual impact assessment accompanying the planning application and the defined purposes of green wedges as set out in Planning Policy Wales.

The principal purpose of a green wedge is to prevent the coalescence of settlements. In this the appellants point out that the development of the site would not result in an easterly extension of development beyond the extent already established by Clos Pupren and that a clear distinction would be maintained between Llanharry and Brynsadler. They also point out that in this instance the development would present the opportunity to provide a clearly defensible boundary for the green wedge. Notwithstanding that the green wedge already benefits from a clearly defined boundary there is merit in the arguments presented on this point.

A key role of any green wedge is that it should perform an urban management role. This the applicants argue is currently weak given the relationship of the site with the surrounding built development it is more readily construed as part of the settlement itself rather than open countryside. On this point they again argue that allowing its development would allow the creation of a clearer defensible boundary for the green wedge with the eastern boundary hedgerow and Strawberry Lane replacing the current arrangement. Whilst the first point is somewhat subjective there is some merit in the second.

The applicants then argue that it follows from the above that the development of Elms Farm could be considered a logical rounding off opportunity that would not involve encroachment into the countryside. This point highlights a difference between the existing allocation and their interpretation of the situation at the site itself and the point could be argued either way. The point reiterates the applicants contention that the site weakens the green wedge generally.

A further requirement of the green wedge is that it should perform a significant function in providing a setting for the urban area. On this point, the applicants claim the lack of any strong delineation between the site and the existing settlement means that it is construed as part of it rather than separate to it. There is some merit in this argument as all that separates the two elements for the most part is the estate service road and the boundary between the two is then further eroded by the residential development of Clos Pupren with its back to the site.

On the final test the applicants concede the point that the development if allowed would not assist in recycling derelict or other urban land due to its greenfield status they insist however that its development would assist in ensuring that there is a sufficient range of suitably located land available for development.

In light of the above key points, and whilst the case is not as clear cut as the applicants believe, there is on balance a strong case for releasing this land despite its green wedge status as it is a weak element within the wider green wedge site, for the reasons cited above, its location, the topography of the wider area, and because its development would allow for the creation of a more robust boundary

Turning to the landscape and visual impact elements of the proposal the landscape and Visual Assessment of the site concludes that the site is well placed on a discreet area of low lying land within a gently undulating landscape which includes pre existing built form generally the long and shorter distance views of the site are for the most part extremely limited and the proposals would have no discernible impact on the adjacent Special Landscape Area, any conservation areas near the site, any registered parks or gardens or scheduled ancient monuments, or any national trails or long distance paths. This document has been considered by the Countryside Section and there is no disagreement with its conclusions which are clear that the development of the site would have little impact in this context. As such it serves to prove that residential development of the site is acceptable in landscape terms and at the same time underlines some of the points made by the applicants in respect of the green wedge.

In conclusion, on this point of principle the acceptability or otherwise of the development hinges on the acceptability of the proposals in terms of planning policy and balancing the need to protect the countryside against the need to provide sufficient land that can be readily available for housing development. In this case the applicant has been able to demonstrate that the impact on the green wedge in particular is minimal and the balance therefore has to fall in favour of maintaining the housing land supply.

### **Access and highway safety**

A number of residents have raised certain concerns over the potential of the development to add to the weight of traffic in the locality or have referred to car parking on the existing estate access road or the difficulty in using the Llanharry - Brynsadler road at certain times of the day. In support of the application the applicants have provided a Transport Assessment that addresses the key issues arising out of the proposed development within the established estate and in terms of its impact on the A4222. The assessment has been independently vetted by the Transportation Section who have concluded that while the proposed development does generate some concerns in terms its impact at the A4222 Cowbridge Road/Llanharry Road Junction, such concerns can be adequately addressed through the Transport Tariff contribution and the application of appropriate planning conditions. As such the proposed development is considered acceptable from an operational highway standpoint.

### **Ecology**

The application is supported by an extended phase 1 habitat survey that is clear in its findings and has not generated any ecology based concern with regard to the consultation responses received from Natural Resources Wales or from the Council's own ecologist. Whilst the Council ecologist has requested a condition requiring the submission and agreement of a wildlife protection plan in this instance it is recommended that this would be best achieved by a condition requiring adherence to the recommendations of the Habitat survey that accompanies the planning application.

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

Issues relating to the impact of the proposed development on the character and appearance of the area are covered in some detail in the context of the principle of the proposed development section above. This concludes that such impacts that there would be, are on balance acceptable

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

As an outline application there is no detail to consider and these issues are better dealt with at the design detail stage. However the applicants have prepared an illustrative detail plan which clearly illustrates that the site could with careful design be developed in a manner where the impacts of its development would be entirely acceptable in terms of the privacy and amenity of existing residential property.

## **Other matters**

One resident has made reference to there being no green space/play provision should this development gain approval. However, if allowed the Section 106 requirement would ensure the provision of a play area and surrounding informal open space.

Another resident claims that there is ample new housing some of it affordable within Llanharry. This may have some credence at the most local of levels, however the key determinant in this case is the strategic argument set out above.

Finally one resident claims that the current proposals have not been sufficiently advertised. Members are referred to the Publicity Section above and are advised that statutory requirements in this regard have been met.

## **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**

Discussion with the applicant has indicated that in this instance they are prepared to meet the full scope of the requirements outlined in the Council's

Supplementary Planning Guidance on Planning Obligations in the following terms:-

- A transport tariff payment commensurate with the final number of homes to be built on site.
- Affordable Housing to the following amount
- 8 x 1 bedroom units for social rent (walk up units – no communal area)  
3 x 2 bedroom houses for social rent  
5 x 2 bedroom houses for low cost home ownership.
- A financial contribution to education provision commensurate with the number of eligible dwellings to be built in the development.
- The provision of a Neighbourhood Equipped Area for Play and Public Open Space.
- Meeting the Council's reasonable costs in preparing the Section 106 legal agreement.

## **Conclusion**

This is an unusual application from a planning policy perspective in as much as even though the site lies outside of settlement limits and within a green wedge as defined by the Local Development Plan, there is ultimately a strong material consideration in the form of the need to maintain a five year supply of land for housing development. The case for allowing the development contrary to policy is strengthened both by the case outlined above and through discussions with the applicant that have revealed that there are no land ownership issues that need to be resolved and that subject to the approval of this application and the future agreement of design details they would aim to be on site within a year. This second point is particularly important as to make a contribution to the five year supply in a meaningful way the developer should be able to deliver new housing as soon as is practicably possible. There is clearly an eagerness on the part of the developer which is further bolstered by their willingness to accept a condition that restricts the time for the submission and agreement of reserved matters and the commencement of works on site to shorter timescales than would usually be allowed, (see below). In light of the clear planning policy case, the unique nature of the site itself and the willingness of the developer to bring this site forward a positive recommendation is made.

## **RECOMMENDATION: Grant**

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in (a) above

relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of two years from the date of this permission.

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

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

2. The development hereby permitted shall not begin (Other than for any necessary works of demolition and site investigations) until a scheme to deal with contamination of the site or for that phase of the development 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.

3. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in condition 2 above or any additional/alternative works required under condition 4 below) have been implemented and a suitable validation report of the proposed scheme or

scheme phase 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.

4. 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.

5. The details of landscaping required to be submitted to and approved by the Local Planning Authority under reserved matters shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

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. If any trenches for services are required in the fenced-off areas 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. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

9. Construction works on the development shall not take place other than during the following times:
  - (i) Monday to Friday 0800 to 1800 hours
  - (ii) Saturday 0800 to 1300 hours
  - (iii) Nor 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place other than any necessary works of demolition, site remediation and preparation until drainage arrangements for the development as a whole or any identified phase of development have been submitted to and approved in writing by the Local Planning Authority.

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

11. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans as a whole for the site or for any agreed phase of development.



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

12. No development shall commence until the Local Planning Authority has received and approved in writing a hydrological impact assessment including proposed mitigation measures design details and a development programme 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.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse conditions on the development sit, adjoining properties and environment with regard to flood risk.

13. The means of vehicular access to the development shall be from Stryd Silurian only.

Reason: To limit the number of accesses onto the highway in the interests of road safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the approved plans development shall not commence until full engineering design and details of the proposed junction, internal road layouts, sections, street lighting and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

15. Surface water runoff from the proposed development shall not discharge on to the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent over capacity of the existing highway drainage system and potential flooding.

16. No development shall take place, including any works of site clearance until a construction method statement has been submitted to and approved

in writing by the Local Planning Authority to provide for:

- 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; and,
- The sheeting of lorries leaving the site.

The approved method statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

17. No HGV deliveries to the site shall take place during the period of construction between 0800 hours and 0900 hours am or between 1500 hours and 1600 hours pm on weekdays to or from the site.

Reason: In the interests of the safety of all highway users.

18. The development shall be carried out entirely in accordance with the recommendations of the Phase 1 habitat survey prepared by Messrs Soltys Brewster dated 2<sup>nd</sup> July 2014.

Reason: In the interests of maintaining biodiversity.

**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**

**20 NOVEMBER 2014**

**JOINT REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC  
SERVICES AND THE SERVICE DIRECTOR, PLANNING**

**SITE MEETING**

**APPLICATION NO. 4/0893 – DEVELOPMENT OF SITE TO PROVIDE UP TO  
80 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (OUTLINE) – ELMS  
FARM OFF STRYD SILURIAN, LLANHARRY**

Minute No. 93 (Development Control Committee,  
16 October 2014)

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