

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015-216**

**DEVELOPMENT CONTROL  
COMMITTEE  
4 FEBRUARY 2016**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No.5</b>
<b>APPLICATION RECOMMENDED FOR REFUSAL</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No.15/1319 - Residential development including roundabout access and associated works (Outline), Land Off Trebanog Road, Trebanog, Porth.

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## APPLICATIONS RECOMMENDED FOR REFUSAL

**APPLICATION NO:** 15/1319/13 (JAW)  
**APPLICANT:** Mr Dean Sibley  
**DEVELOPMENT:** Residential development including roundabout access and associated works (Outline)  
**LOCATION:** LAND OFF TREBANOG ROAD, TREBANOG, PORTH, CF39 9DT  
**DATE REGISTERED:** 19/11/2015  
**ELECTORAL DIVISION:** Cymmer

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**RECOMMENDATION:** Refuse

### REASONS:

The principle of the proposed development is unacceptable there being an objection in principle as the proposal would lead to development outside settlement limits and within a green wedge which in this case is not justified on the basis of a housing land supply shortage.

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### APPLICATION DETAILS

This planning application seeks outline planning consent for residential development on land at Trebanog Road, Trebanog.

As an outline planning application with all matters reserved for future consideration, including scale the applicants are required to provide the maximum and minimum width, depth and height for each building proposed for this development. At the time of writing this report these details remain outstanding.

The proposal includes access to the site provided via a new roundabout junction with the A4233 Trebanog Road and Collena Road.

The submitted application form indicates potential for 176 units.

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

- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Tree Survey
- Non-residential Ground Stability Report – On Coalfield

## **SITE APPRAISAL**

The site lies in a rural location on the outskirts of Trebanog and is surrounded by agricultural pasture and scrub to the north, west and south and the A4233 Trebanog Road to the east. The land is level with the A4233 to the east and the site slopes down to the southern and western boundaries. The site is currently a grazed horse paddock with a derelict rail carriage and former coal rail embankment within the site centre. The site boundary to the east comprises thick roadside landscaping. The site is in an elevated and prominent location with views across to Edmondstown and Williamstown.

## **PLANNING HISTORY**

None.

## **PUBLICITY**

The application has been advertised by means of a press notice, sites notices and direct neighbour notification. There have been 3 letters of objection which are summarised as follows:

Letter from Tonyrefail Community Council who strongly objects to the proposal due to the site being located outside the settlement boundary of Tonyrefail East and Trebanog and within a green wedge.

Two letters of objection which raise the following objection:

Land not in Local Development Plan

- There is no reason to grant permission as there are many other sites inside the plan boundary which already have or could have permission.

Traffic

- Increase in traffic volume. Trebanog Road is the main route to the valleys and traffic is constant at all times. At peak times traffic tails back from the lights at Trebanog Arms past the area where the proposed new roundabout is proposed.
- Concern safety of pedestrians trying to cross the road with increased traffic.
- If houses are to be built in this area a by-pass road is needed first.
- Large lorries pass though Trebanog Road and down through Cymmer very close to houses and narrow pavements, with residents feeling the pull of the 'slip-stream'.
- The amount of accidents in the area including fatalities is excessive. Speeding traffic is also a problem.

Ecology

- This land has a varied amount of wildlife which is observed on a daily basis, including many resident birds. A family of buzzards can be seen daily and red kites use the area for hunting. Cuckoos can clearly be heard every spring as well as owls screeching at night.
- In the summer there is an abundance of butterflies using the meadow.

## **CONSULTATION**

Transportation Section – objects to the proposed development.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions and confirmation that the nearest residential properties will be located further than 10m from the nearest carriageway edge or submit an air quality assessment prior to determination of the application.

Natural Resources Wales – Objects to the proposed development due to insufficient information having been received to fully assess the impacts on the Rhos Tonyrefail Site of Special Scientific Interest (SSSI) and the Rhondda Landscape of Special Historic Interest.

Dwr Cymru/Welsh Water – no objection subject to conditions and advisory notes.

Western Power Distribution – no observations received within the statutory consultation period.

Wales and West Utilities – raise no objection to the proposed development and advise with regard to the location of their apparatus in proximity to the application site and safe working practices to be adopted when working in close proximity to it.

South Wales Fire and Rescue Service – consideration should be given to the provision of adequate water supplies for fire fighting purposes and access for emergency appliances.

Parks and Countryside – advise that insufficient information has been received to fully assess the proposed development.

Education and Lifelong Learning – no observations received at the time of writing this report.

Housing Strategy Section – The development requires 20% affordable housing provision for dwellings in the southern strategy area and 10% in the northern strategy area.

Cwm Taf Health Board – no observations received within the statutory consultation period.

Environmental Services (Leisure) – no observations received within the statutory consultation period.

Coal Authority – raises an objection and considers that the application requires the submission of a Coal Mining Risk Assessment Report.

Police Authority – raise no objection to the proposed development and make a series of recommendations relating to secured by design principles that any future detailed submission in respect of the development of the site should make efforts to adhere to.

Glamorgan Gwent Archaeological Trust – the proposed development has an archaeological restraint, however, the submitted application does not refer to archaeological remains or designations. Therefore insufficient information has been presented to allow an informed decision to be made regarding the archaeological resource.

## **POLICY CONTEXT**

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

The application site comprises a total gross area of 6.78 hectares that for policy considerations can be divided into four unequal parts:

Part 1 - 0.16 hectare located south of the dwellings Brynllan and Brynawel (former chapel site) which is unallocated and lies inside the smaller settlement of Trebanog and within the Northern Strategy Area.

Part 2 - 3.03 hectares that lie in the Northern Strategy area and adjoins the outside edge of the settlement boundary of Trebanog, in a green wedge, in a sandstone resources safeguarding area, includes a small area of coal resources and adjoins a SINC on its western boundary.

Part 3 - 3.20 hectares that lie in the Southern Strategy area in a green wedge and outside of the settlement boundary. Largely lies in a sandstone resources safeguarding area, lies in a coal resources safeguarding area and adjoins a SINC on its north western boundary.

Part 4 – 0.39 hectare of highway land.

### **Core Policies**

**Policy CS1** – emphasises building strong, sustainable communities in the Northern Strategy Area.

**Policy CS2** – emphasises sustainable development that benefits the whole plan area and focuses development within settlement boundaries in the Southern Strategy Area.

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

**Policy CS10** – provides for the safeguarding of mineral resources

### **Area Wide Policies**

**Policy AW1** – sets out the 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** – gives design and placemaking criteria for new development and requires the submission of a masterplan for large residential proposals

**Policy AW8** – provides for the protection of SINC and requires mitigation of any impacts. **Policy AW10** – development proposal must overcome any harm to public health the environment and local amenity.

**Policy AW14** -requires the protection of coal and sandstone resources.

### **Strategy Area Policies - Northern**

**Policy NSA10** – refers to housing density, stating that residential development should be of a minimum of 30 dwellings per hectare.

**Policy NSA11** – seeks 10% affordable housing provision.

**Policy NSA12** –gives criteria for development within settlement boundaries and provides for up to 10 dwellings on sites of 1 hectare maximum on the outside edge of settlement boundaries.

**Policy NSA24** –states that development that prejudices the open nature of green wedges will not be permitted.

### **Strategy Area Policies - Southern**

**Policy SSA11** – sets a minimum density requirement of 35 dwellings per hectare.

**Policy SSA12** – seeks the provision of 20% affordable housing.

**Policy SSA13** - gives criteria for housing development within settlement boundaries and supporting paragraph 6.158 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.

### **Relevant Supplementary Planning Guidance**

1 – Design & Placemaking

- 5 – Affordable Housing
- 6 – Nature Conservation
- 7 – Planning Obligations
- 8 – Access Circulation & Car Parking
- 11 – Employment Skills

### **National Guidance**

In the determination of planning applications regard should also be had 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),
- Chapter 3 (Making and Enforcing Planning Decisions),
- Chapter 4 (Planning for Sustainability),
- Chapter 5 (Conserving and Improving Natural Heritage and the Coast),
- Chapter 8 (Transport),
- Chapter 9 (Housing),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 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**

The key issues in the determination of this application are the planning policy position including the site lying in a green wedge and the five year housing land supply, sustainability, the historic landscape and archaeological resource, ecology, highways and transportation issues, the impacts of the proposal on the character and appearance of the area and the impact of the proposal on residential amenity and privacy of existing residents.

### **Principle of the proposed development and housing land supply**

The site was brought forward as two candidate sites for residential development under the Rhondda Cynon Taf Local Development Plan. The northern part of the site (part 2 see policy considerations) was assessed as a prominent site in the undeveloped gap between Trebanog and Tonyrefail and therefore was not allocated or placed inside the settlement boundary. A small part of the site was considered acceptable as rounding off the existing settlement, which led to the small area of land (part 1) south of the former chapel being placed inside the settlement boundary. The southern part of the site (part 3) was rejected on grounds that the site is countryside and not well enough related to the settlement.

Although part 1 of the site lies within the settlement boundary where the principle of residential development is acceptable, parts 2 and 3 lie outside of the defined settlement boundary of Trebanog and within a green wedge and historic landscape and on the face of it the vast majority of the application proposal represents a departure from policies AW1, AW2, CS2, NSA12, NSA24 and SSA22 of the adopted Local Development Plan. The site also lies within a mineral safeguarding area. The proposal is therefore also contrary to policies CS10 and AW14. All of this would mitigate against allowing the current proposal.

In favour of the development is the current shortfall in the five year housing land supply in the County Borough which currently stands at 2.4 years (see Planning Policy Wales 9.2.3 and TAN 1 6.2). The need to increase housing land supply in circumstances where Authorities fall below their five year land supply requirements carries considerable weight provided that any proposal would otherwise comply with development plan and national planning policies. Additionally and importantly, the site has to be capable of delivering a contribution to the five year housing land supply figures. In the case of this application:

- The site is in two ownerships, neither of whom are house builders and no involvement of a house builder is apparent. Also, there is no willingness to accept a shortened deadline for submission of reserved matters.

- The application form indicates that the potential for 176 units, however, there is no trajectory or other estimate of how many of these are considered capable of being completed within five years of the grant of outline planning permission. The current shortfall is 4,577 units.
- There is no indication that the site is viable enough to be implemented whilst paying the Community Infrastructure Levy (on the south part) and providing affordable housing (20% on the south part and 10% on the north part), meeting any other S106 payments and dealing with any abnormal costs.

Therefore, in this case, the shortage of housing land is not a weighty material consideration since there is a lack of evidence of deliverability. It is also considered that the proposal does not comply with the development plan and national planning policies in relation to green wedges, impact on the historic landscape, sustainable locations and mineral resource safeguarding for the following reasons:

### **The Green Wedge and Historic Landscape**

The site is located in a prominent and elevated position with views across valley to Edmondstown and Williamstown. The whole site is within a green wedge the principle purpose of which is to prevent coalescence of settlements, in this case the settlements of Trebanog and Tonyrefail.

In addition to lying in a green wedge the northern part of the site lies in the Rhondda Landscape of Special Historic Interest, specifically the Ciley and Rhiwgarn Character Area (HLCA036), as defined within the Register of Landscapes of Special Historic Interest in Wales, which is noted as containing small irregular enclosures, probably representing an area of medieval or early Post-medieval encroachment. The proposed development is also associated with Cil-Ely Colliery which produced steam and house coal from 1850 to 1872. Natural Resources Wales and Glamorgan Gwent Archaeological Trust have raised an objection as there is not enough information to assess the impact of the proposed development on the historic landscape and archaeological resource.

It is considered that the proposed development would prejudice the open nature of the land between the settlements of Trebanog and Tonyrefail contrary to policies NSA24 and SSA22 of the Rhondda Cynon Taf Local Development Plan. Insufficient information has also been received to fully assess the proposal on the Rhondda Landscape of Special Historic Interest and archaeological resource which is contrary to policies AW7, AW8 and NSA7.

### **The Settlement Boundary**

As the vast majority of the site lies outside the settlement boundary it is not considered a sustainable location for development. The site adjoins the smaller settlement of Trebanog which has bus services and good road access to the key settlements of Porth, Tonyrefail and Tonypany. However, the adjacent small settlement of Trebanog only has a limited supply of shops. Therefore, the proposal satisfies some aspects of the LDP policy AW2 but the settlement boundary is a

principle concern in the context of this policy and in defining the sustainability of this location.

Chapter 4 of Planning Policy Wales deals with sustainability and specifically addresses the issue of green wedges it states at paragraph 4.8.14 that *“when considering applications for planning permission in green belts or green wedges a presumption against inappropriate development will apply.”* Paragraph 4.8.16 then goes on to set a series of criteria of what constitutes appropriate development and the construction of 176 new residential units would not be considered such an exception. Paragraph 4.8.18 states that *“Other forms of development would be inappropriate development unless they maintain the openness of the green belt or green wedge and do not conflict with the purposes of including land within it.”* In this instance the proposed development would undermine the purpose of the green wedge which is to maintain the identity of the two villages that it separates and would also represent a substantial erosion of its openness which it is considered would have a substantive visual impact.

### **Minerals**

The site largely lies within a sandstone resources safeguarding area, however, this has not been addressed in the application submission. Experience would suggest that for sites adjoining existing development, the effect of mineral extraction buffer zones is that there is no constraint on development practice. However, no information has been submitted to demonstrate this and therefore there is insufficient information to demonstrate that the proposal complies with policies CS10 and AW14 of the Rhondda Cynon Taf Local Development Plan.

### **Access and Highway Safety**

Although the application has been submitted in outline with all matters reserved the application proposes access to the site via a new roundabout junction with the A4233 Trebanog Road and Collenna Road.

In accordance with the Council's SPG Access, Circulation and Parking (March 2011) a full Transport Assessment (TA) is required for a housing development in excess of 100 dwellings. A Transport Assessment has not been submitted in support of the application and therefore the effect of the proposed development on highway capacity and safety cannot be assessed.

An Interim Travel plan has also not been provided in support of the application and therefore an assessment of the availability and accessibility of sustainable modes of transport to allow local amenities and safe routes to school/learner travel/ active travel requirements cannot be assessed.

The submitted plans indicate the proposed access to the development to be by means of a roundabout junction with the A4233 Trebanog/Collenna Road. Longitudinal and cross sections have not been provided, however, reference to the submitted topographical survey indicated that to accommodate the roundabout

significant re-profiling of the approach along both Collena and the A4233 would be required to create a flat area for the plateau. The A4233 is a strategic inter-urban route and any significant changes which would increase the gradient would have an adverse impact on all road users.

Finally, a stage 1 Road Safety Audit together with Designers response has not been submitted and therefore a full assessment of any highway issues cannot be undertaken.

For the reasons outlined above the proposed development is contrary to policy AW5 of Rhondda Cynon Taf Local Development plan.

## **Other Issues**

### **Character and appearance of area**

The impact of the proposal on the character and appearance of the area is largely dealt with above in the section relating to the green wedge and historic landscape. As this is an outline planning application there is little to add in respect of this issue at this time other than to reiterate that the impact of the proposed development will be quite profound for both the application site and the wider area extending the urban built form into an entirely rural parcel of land.

The application is deficient in that it fails to provide minimum and maximum dimensions of the height, width and length of each building, which is a requirement for all outline applications, where matters of scale are reserved for future consideration.

The submitted master plan and associated information does not demonstrate that a successful layout in terms of good pedestrian connection can be formed in the north-east corner of the site or clearly set out that this would be an integral part of the development; it does not provide a site layout which successfully responds to the principles of access being located in the north-east corner of the site; does not provide a site layout which demonstrates other key design principles of the development and does not address issues relating to the appearance and visibility of the site as viewed from the surrounding countryside.

### **Ecology**

The site is situated on high ground above two parcels of the Rhos Tonyrefail SSSI. Natural Resources Wales has advised that the habitats notified in this SSSI have a sensitive hydrology. No information has been received to demonstrate how the proposed development will impact the hydrological regime of this area. A detailed hydrological assessment study is required to assess the impact of the development on the local hydrology. For this reason Natural Resources Wales objects to the proposed development.

The application has been accompanied by a phase 1 extended ecological report which is an initial baseline piece of work which recommends a number of additional surveys, the report includes recommendations for further survey work in relation to habitat/flora surveying, birds surveys, impacts on Marsh Fritillary butterflies, bat surveys and reptile surveys all of which lead to the potential need for detailed impact assessment and mitigation proposals. The surveys are all seasonally constrained surveys and would need to wait until spring/summer 2016. It is therefore considered that there is currently insufficient information to fully assess the ecological impacts of the proposed development

### **Trees**

A tree survey has been submitted with the application which due to the high risk to established trees recommends the installation of protective fencing prior to commencement of work on site.

### **Residential Amenity and Privacy**

Turning to the issue of residential amenity and privacy it has to be kept in mind that this is an outline planning application with all matters reserved. As such there is little detail to consider. However, the submitted master plan indicates that a number of existing residents in Trebanog Road would lose their current outlook or view.

### **Coal Authority**

The Coal Authority confirms that the site lies within the defined Development High Risk area. The applicant has submitted a non-residential ground stability report, however, this does not address the impact of coal mining legacy on the proposed development. A non-residential ground stability report is a factual report produced for baseline information purposes; it is not a coal mining risk assessment. An objection is therefore raised as there is insufficient information regarding coal mining available to fully assess the proposed development.

### **Affordable Housing**

The application form indicates that the proposal is for 176 market dwellings and there is no indication that any affordable units are proposed. The development will require 20% affordable housing provision in the southern strategy area (policy SSA12) and 10% in the northern strategy area (policy NSA11).

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

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.

### Community Infrastructure Levy

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

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

### The Section 106 requirements in this case

In this instance and in addition to the Community Infrastructure Levy requirements the applicants would also need to secure a Section 106 agreement to make adequate provision of affordable housing and to secure the provision and maintenance of a play area and public open space, along with any required improvements on the local transport network and a local employment plan.

### **Conclusion**

In concluding this application has to be determined with regard to planning policy considerations that impact upon this particular proposal. The settlement boundary, green wedge, all weigh against the development.

### **RECOMMENDATION: Refuse**

1. The proposal if allowed would represent unjustified residential development in the open countryside contrary to the requirements of Rhondda Cynon Taf Local Development Plan Policies CS1 (7) and CS2 (2) (7) and section 4.2 of Planning Policy Wales.

2. The proposal if allowed would represent residential development in an unsustainable location contrary to the requirements of Policy AW2 of the Rhondda Cynon Taf Local Development Plan and Chapter 4 of Planning Policy Wales.
3. The proposed development if allowed would represent an unjustified erosion of the green wedge between the settlements of Trebanog and Tonyrefail contrary to the requirements of Rhondda Cynon Taf Local Development Plan policies NSA24 and SSA22 and Section 4.8 of Planning Policy Wales.
4. Insufficient information has been received to enable an assessment of the impact of the proposed development on the Rhondda Landscape of Special Historic Interest and on the archaeological resource contrary to policies CS1, AW7 and NSA12 of the Rhondda Cynon Taf Local Development Plan.
5. Insufficient information has been received to demonstrate that the proposed development would not represent a constraint on development in respect safeguarding sandstone resources contrary to policies CS10 and AW14 of the Rhondda Cynon Taf Local Development Plan.
6. Insufficient information has been received to enable an assessment of highway capacity and safety considerations to be made contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
7. The proposal to provide a roundabout junction to serve the development would adversely affect the gradient of the A4233 to the detriment of all highway users contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
8. Insufficient information has been received to demonstrate that the proposed development would not have an unacceptable impact of the Rhos Tonyrefail SSSI contrary to policies CS1, CS2 and AW8 of the Rhondda Cynon Taf Local Development Plan.
9. Insufficient information has been received to enable a full assessment of the ecological impacts of the proposed development contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.
10. A Coal Mining Risk Assessment has not been received to enable a full assessment of coal mining legacy on the development. The proposal is therefore contrary to policy AW10 of the Rhondda Cynon Taf County Borough Local Development Plan.

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**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**

**4 FEBRUARY 2016**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**OFFICER TO CONTACT**

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**See Relevant Application File**