

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015-2016**

**DEVELOPMENT CONTROL  
COMMITTEE  
19 MAY 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 application outlined in Appendix 1.

**2. RECOMMENDATION**

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

1. Application No: 16/0194 - Outline application for the development of the site for up to 85 dwellings, Land South of Llantrisant Road, Groes-Faen, Pontyclun.

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## **APPLICATIONS RECOMMENDED FOR REFUSAL**

**APPLICATION NO:** 16/0194/13 (GD)  
**APPLICANT:** Lewis Homes  
**DEVELOPMENT:** Outline application for the development of the site for up to 85 dwellings  
**LOCATION:** LAND SOUTH OF LLANTRISANT ROAD, GROES-FAEN, PONTYCLUN, CF72 8NJ  
**DATE REGISTERED:** 02/03/2016  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION:** Refuse

### **REASONS:**

The principle of the proposed development is entirely unacceptable representing as it does development outside of defined settlement in an entirely unsustainable location.

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### **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to Service Director Planning.

### **APPLICATION DETAILS**

This application seeks outline planning consent for residential development with all matters other than access reserved for future consideration.

Vehicular access to the site will be formed on the southern side of the A4119 Llantrisant road approximately 45m west of the Y Parc Junction which sits on the northern side of Llantrisant Road. Secondary and separate pedestrian and cycle access to the site will also be formed into the site further west along the Llantrisant Road frontage located approximately 24m and 56m from the site western boundary respectively.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Landscape Character & Visual Impact Assessment;
- Tree Survey Category and Constraints Report;

- Tree Constraints Plan;
- Ecological Assessment; and,
- Drainage Strategy.

## **SITE APPRAISAL**

The application site is formed from two fields with a total area of approximately 3 hectares located on the southern side of the A4119 Llantrisant Road at Groesfaen. The fields are mostly bounded by existing mature hedgerows whilst a woodland area marks the southern boundary of the site adjacent to a small watercourse. The site slopes downward in a broadly north to south direction away from the road, and whilst the gradient is generally consistent it is steep in places particularly in the north east of the site. The site lies on the eastern edge of the village of Groesfaen and has access to the A4119 via a field gate. Whilst the majority of the land is currently pasture, the boundaries are natural, mostly hedgerow, including a central hedgerow between the two fields that form the site running north to south.

Groesfaen is a small and relatively remote settlement located between the dual carriageway A4119 to the east and the settlement of Creigiau within the boundaries of the City and County of Cardiff to the west. The settlement is almost entirely residential in character and otherwise only benefits from the presence of a public house, small convenience shop and a church.

## **PLANNING HISTORY**

None.

## **PUBLICITY**

The application has been advertised by means of press notice, site notices and neighbour notification letters. The exercise generated a total of 68 letters expressing the following concerns and objections with regard to the proposed development. Since the closure of the public consultation exercise a further 25 letters have been received and their views are also expressed below.

### National Planning Policy & Local Development Plan

- The site is not designated for development in the Rhondda Cynon Taf Local Development Plan and its development would be contrary to plan policies and proposals. Particularly with regard to the village of Groesfaen itself.
- The Local Development Plan does not place a settlement boundary around Groesfaen as it regards the settlement as an unsustainable location in itself as well as for any future development. The proposals would be clearly contrary to the clear objectives of Local Development Plan Policy AW2 with regard to sustainability.

- To allow the development of this site would undermine the objectives of the Local Development Plan and would ensure that much of the development that the plan aims to support would not take place. Allowing this development would also set a dangerous precedent which would only serve to erode the objectives and relevance of the LDP.
- The Local Development Plan already makes adequate provision to meet the housing needs of the County Borough for the plan period. To date it has delivered 4000 houses and building rates would increase as developers respond to the opportunities it offers.
- The proposal is also contrary to national planning policy for similar reasons to those cited above.
- One of the objectives of the Council is to ensure the delivery of highway improvements necessary to deliver allocated sites and to ensure that the growth proposed by the Local Development Plan has no adverse impact on the highway network. Consenting to development on this unallocated site would have an adverse impact as there is no strategy to cope with the increased flows.
- The application site is categorised grade 2 agricultural land and the applicants have not addressed this issue. Planning Policy Wales states that land of grades 1, 2 & 3a should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable.
- The applicant asserts that the building rate does not result in the Authority having a five year housing land supply and on that basis the Council should be granting further consents to achieve that supply. However TAN 1 Joint Housing Land Availability Studies directs otherwise at paragraph 3.4 indicates that if a five year housing land supply is not being achieved then the appropriate response should be to consider a full or partial review of the Local Development Plan and not to grant arbitrary consents on an ad hoc basis on sites outside of the Local Development Plan.

### Sustainability

- The presence of existing amenities within the village has been overstated, the local chapel is no longer open, and the local shop is small and only offers a limited range of goods. Much of the school provision referenced is in Cardiff (Creigiau, Radyr) and not available to the residents of Rhondda Cynon Taf and even if it were, proposals for north Cardiff would take up much if not all of that capacity, and the Doctors surgery in Creigiau is a branch surgery of the Parc Ganol practice with extremely limited opening hours.

- Occupants of the proposed houses would be forced to make car journeys along the A4119 to gain access to schools, shops and other facilities not available in the village, and the purpose of the A4119, to provide a link to north Cardiff would be undermined by the increase in short journeys.
- The proposals would bring forward new housing without the necessary infrastructure to support it and as such is unsustainable.
- The lack of a school in the village of any kind will mean that all pupils will have to be transported to and from school and would also possibly force the hand of the education authority with regard to catchment areas – at the secondary level this will involve pupils from the village being unable to any longer go to Y Pant instead being forced into travelling to Bryn Cylynog involving more travelling for all.

### Transportation Issues

- Usage of the A4119 has increased in recent years causing delays along its route and particularly at the Castell Mynach junction. Despite this traffic flows are already predicted to increase further in coming years given the consent for further working at Creigiau Quarry and the provisions for further housing in North Cardiff in the Cardiff Local Development Plan. National express bus services and learner bus drivers passing through the village are also considered to aggravate the situation. The problem is also compounded by non local traffic using the A4119 via Heol Creigiau and Tynant Road as a rat run to avoid congestion at the Talbot Green Roundabout.
- Rhondda Cynon Taf is party to a draft regional transport plan committed to the objective of improving accessibility and connectivity, and reducing journey times between key settlements in south east Wales. This is not currently being achieved due in part to congestion on the A4119 and allowing the current proposal would take us further from that objective.
- Analysis by the applicant indicates that the proposed development would only lead to a 1% increase in traffic flows, whilst any development would only display a marginal impact of this kind part of the role of the planning system is to safeguard the movement of traffic across the highway network including from the cumulative effects of successive developments.
- Llantrisant Road is already at capacity/overloaded – particularly at peak times, and this has frequently resulted in damage to private vehicles.
- Substantial proposals for new residential development in north Cardiff/Radyr will inevitably result in more traffic on the A4119 travelling toward the M4 and further development in the village will lead to gridlock.

- The dangerous access points would require better engineering than that currently proposed. The development would create a third junction within 150 metres with the access to Y Parc and Penygroes already in place which residents regard as unworkable, dangerous and chaotic. A number of residents indicate that at the very least if the proposal is to be allowed further traffic calming would be required. One resident calls for the provision of a roundabout between the proposed site access and Y Parc to help address this issue if the proposal is to be progressed..
- On the morning of 3<sup>rd</sup> April 2016 there was an accident along the route of the A4119 that resulted in a car ploughing in to the bus stop this is the second time that this has happened in the space of a year and demonstrates the perilous nature of the road
- Any pedestrian crossing positioned at the proposed access on the A4119 is in the wrong position and should be located in the centre of the village or at the very least appropriately positioned to best meet the needs of the village rather than placed adjacent to this site to bolster “sustainability” credentials.
- Despite the claim by the applicants that cycling will be supported by the development nothing is provided to indicate how provision would or could be improved beyond the site boundaries and would in any event be unrealistic given the nature of the road.
- Many residents claim that the A4119 through Groesfaen is a trunk road and allowing this development would be contrary to the advice in Planning Policy Wales that Local Authorities should utilise available powers to reduce the need to use trunk roads and other through routes for short local journeys.

#### Amenity & Visual Impact

- Any development of the site would have a huge visual impact on the area.
- In comparison to much of the village the current proposal would represent a high density development in terms of the area they occupy.

#### Agricultural land

- As grade 2 agricultural land the site should benefit from the highest level of local protection from this type of speculative development. The application does not even identify this as an issue let alone address it.
- A natural consequence of allowing this development would be that the link between the local shop and Danybryn Farm as a working farm would be severed which in turn would cast doubt over the function of the farm as a working farm and the loss of what essentially remains a farm shop in this semi rural location would represent a significant blow to the village.

## Other Issues

- It is possible for developers to “game” the whole planning system. When land is included in the Local Development Plan its value increases substantially ( in the case of the current site a local estate agent indicates that its value as agricultural land is approximately £70,000, with the benefit of a residential consent it could be as high as £3,000,000). There is therefore incentive for developers not to pursue opportunities in the LDP in an attempt to force Authorities to grant consent for proposals outside of the plan allocations to facilitate large speculative gains and to grant consent for this proposal would act as a disincentive to a developer thinking of bringing a site within the LDP forward.
- Potable water supplies and foul sewerage within the village are in the view of residents already overstretched.
- There is currently very little development south of the A4119 in Groesfaen and what there is, is not recent, which undermines the applicants point that this is some kind of coherent addition to the village.
- Development of this site as a result of increased traffic would make accessing the local play area more difficult for the majority of local residents who live on the north side of the road.
- The land is green belt and as a result should not be developed.
- One resident indicates that any decision in favour of the proposed development would be appealed if possible or if not be made the subject of judicial review by residents.
- The current volume of traffic on the A4119 is affecting resident health (asthma) and adding to it will only exacerbate the situation.
- The capability of the applicant company to bring the site forward and develop it is questioned given events at the Bryn Teg green development in Beddau.
- The site floods at its lower level in the wooded area.
- The impact of the proposed development on local wildlife also needs to be properly assessed.
- If it is agreed that the planning system exists to ensure that developments are in the public interest then this application is way outside of the excepted realm.
- Allowing the proposed development would set a precedent for allowing further development on unallocated land outside of settlement limits across the County Borough.



- With up to 600 houses proposed in nearby Creigiau residents find it difficult to understand why a further 85 houses would be required so close by.
- There has already been a breach of planning conditions with an extra build in a no build area which should have been referred to the Public Services Ombudsman for Wales.
- Some of the younger residents of the village have been diagnosed as autistic and will suffer disproportionately if the development proceeds. As a result of increased traffic, the erosion of the rural nature of the village by new development and in the creation of the settlement pond at the site – autistic children being particularly drawn to water which presents a real safety concern with 91% of deaths amongst autistic children being through drowning.
- The current owners of the land are not based in Wales or even the UK and are just speculators.

Members are advised that all objections are available for further inspection at the meeting.

## **CONSULTATION**

Highways and Transportation – have reviewed the submitted information and have number of concerns with regard to the submitted detail that are addressed in detail below.

Drainage – no objections subject to conditions.

Public Health & Protection – no objections subject to conditions.

Natural Resources Wales – have no comment to make in respect of the application.

Dwr Cymru Welsh Water – no objections subject to conditions.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objection to the proposed development and advise in relation to the location of their apparatus in the vicinity of the application site and safe working practices to be adopted when working near to it.

South Wales Fire & Rescue Service – raise no objection to the proposed development and advise that the developer give consideration to the provision of adequate water supplies for fire fighting purposes and access for emergency fire fighting vehicles in the design of the proposed development.

Education – express concern at the impact of the proposed development on school provision in the area as the developers appear to have paid scant regard to the issue. Whilst the nearest primary school is correctly identified as being in Creigiau it

is not the catchment school for this area lying as it does within the county boundary of Cardiff and consequently there is no guarantee that the children of prospective occupiers of this development of obtaining a place in this school. The same applies to the situation with regard to Radyr in respect of secondary schooling.

The catchment schools serving this area have limited or no capacity available for further admissions (with Y Pant being the worst affected).and at the least would give rise to further pressure for additional building to take place funded from the Community Infrastructure Levy. Importantly the relatively remote location of this site means that if it is developed the Council would have to provide home to school transport to pupils attending both primary and secondary education at considerable and ongoing cost.

Ecologist – does not raise objection to the proposed development the application being supported by appropriate ecological survey and tree report.

There are no relevant records of statutory protected species from the immediate vicinity. However, concerns remain regarding the ecology of the site and these are discussed below

Leisure – no response received.

Glamorgan Gwent Archaeological Trust – no objections.

## **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 CS4** - sets out the housing land requirements for the County Borough.

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

**Policy CS10** – aims to protect the mineral resources of the County Borough.

**Policy AW1** – identifies the housing requirements for the plan period and how this will be achieved.

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

**Policy AW4** – sets out the Council's position with regard to planning obligations and the need for new development to address the impact they have on the community

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

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

**Policy AW7** – aims to protect and enhance important features of the built environment

**Policy AW8** – seeks to protect and enhance the natural environment

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

**Policy AW14** – seeks to ensure that mineral resources in the area are not unnecessarily sterilised by new development

**Policy SSA11** – sets a minimum housing density requirement of 35 dwellings per hectare in the southern strategy area.

**Policy SSA12** – sets a requirement of 20% affordable housing provision in the southern strategy area.

### Supplementary Planning Guidance

SPG 1 Design & Placemaking

SPG 5 Affordable Housing

SPG 7 Planning Obligations

SPG 8 Access, Circulation & Car Parking.

SPG 10 Development of Flats

SPG 11 Employment Skills

### National Guidance

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

### Planning Policy Wales (8th Edition, January 2016)

Chapter 2 (Development Plans),

Chapter 3 (Making and Enforcing Planning Decisions),

Chapter 4 (Planning for Sustainability),

Chapter 7 (Economic Development),

Chapter 8 (Transport),

Chapter 9 (Housing),

Chapter 12 (Infrastructure and Services),

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

set out the Welsh Government's policy on planning issues relevant to the determination of the application, though issues around sustainability economic development and housing perhaps carry greater significance in this case.

Other relevant policy guidance consulted:

PPW Technical Advice Note 1: Joint Housing Land Availability Studies (2015)

PPW Technical Advice Note 2: Planning and Affordable Housing (2006)

PPW Technical Advice Note 11: Noise (1997)

PPW Technical Advice Note 12: Design (2016)

PPW Technical Advice Note 15: Development and Flood Risk (2004)

PPW Technical Advice Note 16: Sport Recreation and Open Space (2009)

PPW Technical Advice Note 18: Transport (2007)  
PPW Technical Advice Note 23: Economic Development (2014)  
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:**

In this particular case, The key considerations are those of planning policy, sustainability and housing land supply all of which are inextricably linked and also the impact of the proposed development on the established highway network. The quality of the land as agricultural land is also a key consideration. The Impact of the proposed development on the character and appearance of the area, on residential amenity and privacy whilst important are secondary considerations in this case as is the issue of the ecology of the site.

### **Principle of the proposed development, Sustainability and Housing Land Supply.**

The application site is located in Groesfaen which is in the Southern Strategy Area of the County Borough and seeks outline permission for residential development of up to 85 dwellings.

The site is greenfield land and is outside of the settlement boundary. The site is located within a mineral resource area and a small area of the site is also in a C2 flood risk zone.

The proposed development is outside of the settlement boundary and in the countryside. The principle of development outside of this boundary in the south of the county borough is unacceptable and raises a policy objection in respect of the local development plan.

Policy CS2 emphasises the need for sustainable growth. The settlement of Groesfaen is identified in the LDP (appendix 1–F) as a settlement of 10 dwellings or more *without* a settlement boundary. The reasons for the omission of a settlement boundary around Groesfaen are recorded in the evidence base. The sustainability of the settlement was assessed, through consideration of criteria such as access to services and facilities for example shops, schools and medical facilities and access to a range of transport options such as public transport and opportunities for walking

and cycling to any services and facilities. Groesfaen was considered to be an unsustainable settlement which has very few facilities and allowing future growth would further exacerbate this issue and encourage unsustainable travel patterns with an overreliance on the use of a car. This was accepted by the independent Inspector at the Local Development Plan Examination. Therefore no settlement boundary was given to the Groesfaen settlement to prevent its further growth.

However land supply is an issue that needs to be given material consideration at times when the 5 year land supply is not being met. The 5-year housing land supply for Rhondda Cynon Taf required by PPW 9.2.3 and TAN 1 was in shortfall at 1<sup>st</sup> April 2015, at 2.4 years. Therefore the need to increase the housing supply carries considerable weight, provided that the development would otherwise comply with development plan and national planning policies. The site also has to be capable of contributing to the 5-year land supply.

Whilst the site clearly lies outside of defined settlement limits the fact that there is a lack of a five year housing land supply means that sites like this which do come forward have to be given consideration. However, proposals of this kind in order to prove acceptable, need to be acceptable in the context of all other planning policies and sustainability. Planning Policy Wales in its latest iteration emphasises that new development should be located in sustainable locations; and this is echoed by the Local Development Plan policies including AW2.

Policy AW2 seeks to ensure that development proposals on non-allocated sites support the objectives of the Local Development Plan. It states that proposals will only be accepted in sustainable locations which it defines with a list of 9 criteria. Point 1 of the policy specifically makes reference to development taking place within defined settlement boundaries, this application would not meet this criteria.

Point 3 of the policy seeks good accessibility by a range of sustainable transport modes. It is acknowledged that there is a bus service running through the settlement, there is however no train station within walking distance of the site. There is however the possibility of accessing Pontyclun train station (the closest station to the site) via the bus route. It is not considered that the settlement offers a range of transport modes as outlined by the policy. Opportunities for walking and cycling to services and facilities are very limited due to the distance they are from Groesfaen and the absence of a safe, suitable and appropriate route to them. Therefore with the absence of a train station, which is also not within easy walking distance or accessible from Groesfaen by means other than private transport, it is considered that the settlement is not accessible by a range of transport methods. (Members should note that the transport statement submitted by the applicant also confirms that the dominant method of transport currently used in the village is the car - 87%)

Point 4 requires good access to key services and facilities. As mentioned above there are very few facilities in Groesfaen, although it is acknowledged that there is a very small shop which helps to serve the existing settlement for small purchases and a public house, there is no school, post office, or medical facility for example

available in the settlement or within the immediate vicinity of the site, with the closest school being in Creigiau which is approximately 1.2km away and in the Cardiff Local Authority area – this latter point is also reflected in the concerns expressed by the education department with regard to this proposal particularly reinforced by the requirement that all school children from the village would have to be taken by bus to school.

Unsurprisingly in light of the above planning policy at the local level establishes that the site remains inherently unsustainable despite the claims of the applicants and the case against this proposed development is further strengthened by much of the advice contained in Planning Policy Wales Chapter 4 on the issue of sustainability advising as follows –

Paragraph 4.4.3 advises that policies proposals and decisions should demonstrate resource efficiency and climate change resilience where possible avoiding Greenfield sites, locate development to minimise the need for travel particularly by private car and ensure that all communities have sufficient good housing to meet their needs.. Whilst there is clearly an issue around housing delivery persisting within the County Borough at this point in time, the proposal fails in the first two points (and see also below in respect of housing land supply).

Section 4.7 calls for Councils to adopt sustainable settlement strategies promoting sustainable patterns of settlement and there is nothing in the current submission that demonstrates compliance with such a requirement. Paragraph 4.7.8. is specific in indicating that development in the countryside should be located where it can be best accommodated in terms of infrastructure, access and conservation issues and that new building in the open countryside away from existing settlements or areas allocated for development in development plans must be strictly controlled; again here the lack of infrastructure to support such a substantial increase in size of the village mitigates against the proposal

Paragraph 4.9.1. also underlines the preference for protecting the most versatile agricultural land

In light of the above it is also clear that while planning policy at the national level favours the weighing of competing interests in making decisions on planning applications of this kind certainly in terms of the issue of sustainability policy weighs against the proposed development.

The one aspect of planning policy that currently works in favour of the proposed development lies in the matter of housing land supply, particularly as policy is clear that if the five year housing land supply is not being met then serious consideration must be given to proposals of this kind. The 5-year housing land supply for Rhondda Cynon Taf required by PPW - 9.2.3 and TAN 1 was in shortfall at 1<sup>st</sup> April 2015, at 2.4 years. Therefore the need to increase the housing supply carries considerable weight, provided that the development would otherwise comply with development plan and national planning policies. The site also has to be capable of contributing to the 5-year land supply. Whilst objectors are correct in referencing the content of

Technical Advice Note 1 at paragraph 3.4 (a point that is also reinforced at paragraph 6.1), paragraph 6.2 makes it clear that it is also incumbent on local planning authorities to give appropriate and serious consideration of the housing land supply figures as a material consideration when dealing with individual planning applications. In this instance there are other issues in play, particularly the sustainability of the site and the applicant has not provided any information in respect of the deliverability of the site (other than a verbal indication that the site would be entirely built out within five years) and this would clearly mitigate against approving the development despite the situation with regard to the housing land supply figures.

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

The impact of the proposed development on the character and appearance of the area is difficult to fully evaluate at the outline application stage as the acceptability or otherwise of any proposal in this context will often depend on detailing. However, there is some merit in the proposal inasmuch as it is contiguous with the existing built form of the existing village and with appropriate detailing it has the potential to become a sympathetic extension of the village. Whether or not it could become a coherent addition to the village will though depend on detailing and developing the physical relationship between the proposed development and existing homes. The constraints on the development of the site brought about by the need to create a building envelope within it and the suggestion of a relatively low density of development within that envelope serve to further these claims. Indeed in urban design terms given the nature of surrounding development it may prove favourable to seek a lower density than that currently proposed that however, would undermine the case that allowing the current submission could in some way make a meaningful contribution to the housing land supply situation but would at the same time ameliorate some of the concerns expressed above in respect of the visual impact of the proposed development.

A number of residents make the point that Groesfaen is a very small village and that a further 85 dwellings would add substantially to it both in terms of the number of units proposed and in adding substantially to the overall population. The point is not entirely unfounded as a relatively large influx of people over a relatively short period of time has the potential to prove disruptive to the social cohesion of a small village like Groesfaen that has a high percentage of long term residents. However, this would not of itself prove sufficient grounds to refuse a planning application.

The applicants indication that the visual impacts of the proposed development would be entirely local and could be ameliorated by appropriate landscaping making best use of established features, is largely well founded though how achievable this actually is given the intentions for the hedgerow to the front of the site and the creation of development areas remains questionable. Furthermore the requirement for the site frontage to provide an appropriate vision splay for the access to the proposed development along with the fact that in urban design terms it would be

preferable to have new housing facing the main road means that there would be a local negative impact arising out of the development of the site.

### **Access and highway safety**

Whilst this is an application in outline with only details of access submitted for approval at this stage, the application is supported by a full transport assessment. The details and accompanying assessment have been considered by the Highways and Transportation section and while they have not raised an outright technical objection to the proposed development they have concerns in the following areas with regard to the current proposal.

1. Additional access opposite Y Parc will have detrimental effect on highway safety and free flow of traffic.
2. Lack of information relating to the setting back of the site boundary to accommodate a 3m wide shared pedestrian/cycle path along the site frontage.
3. No assessment of safe routes in communities / Active Travel (Wales) Act 2013.
4. Lack of Road safety Audits.
5. Trip generation appears to be based on urban/ edge of town developments and does not reflect the unsustainable/ semi rural nature of the development site.
6. Traffic distribution does not take account of NW Cardiff schemes measures to discourage car use.
7. No consideration given to committed development sites in RCTCBC and NW Cardiff.
8. Lack of mitigation measures at Castell y Mynach signalised junction..
9. No provision of pedestrian crossing facilities to allow residents of the development to cross the A4119 to access local amenities, bus stops etc.

Given that the areas of concern are wide ranging and cover most aspects that would be taken into consideration when assessing the highway related implications of any planning application, along with the fact that this application raises matters of planning policy that cannot be overcome in any event, it is considered unreasonable to ask the applicants to resolve the above concerns in full knowledge of the fact that the application will still result in an officer recommendation of refusal.

### **Ecology**

Whilst the ecological value of the pastures on the site may be low the hedgerow network and associated trees are the locally important habitat features. While development would inevitably involve the loss of the internal north south hedgerow the relatively small retention of the northern boundary hedgerow is unexplained and disappointing in ecological terms, though its loss is clearly a response to Highway



related considerations in attempting to provide the proposed development with a safe access.

Further, the proposed cut and fill engineering works required to create the development areas raises additional concerns in respect of the impacts on the root protection zones of trees and hedgerows on other site boundaries and further clarification is needed of how this would be achieved without killing the hedgerows. Similarly the construction of the balancing pond also needs to take root protection zones into account.

The scheme needs to demonstrate effective mitigation for the loss of hedgerow and the impacts of cat and human disturbance on the site ecology. Long term management of the retained hedgerows and the management and restoration of the site need to provide compensation for habitat loss and this is not demonstrated due to there being a lack of information in relation to the construction impacts on boundary trees and hedgerows.

As with the requirements of the Highways & Transportation Section, given that there is a policy based objection that cannot in this case be overcome it is considered unreasonable to ask the applicants to resolve the above concerns in full knowledge of the fact that the application will result in an officer recommendation of refusal.

### **Agricultural Land Classification.**

The public are correct in citing agricultural land classification as a material planning consideration insofar as policy seeks to preserve the best and most versatile agricultural land (graded at 1, 2, and 3a). The applicants have undertaken a full agricultural land classification assessment and have indicated that their survey reveals that the site is at best category 3b agricultural land. The Council have only very recently been provided with a copy of the applicant's Agricultural Land Classification Assessment. Consultation has been undertaken with Welsh Government's Agricultural Division and their response is awaited. Members will be orally updated at the meeting in this respect.

### **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.

Given that this is an outline planning application it is difficult to assess what the full impact of the development on residential amenity or privacy would be. However the masterplan that accompanies the application and the building envelope that it envisages does suggest that the site could be developed in a manner where the impact of the proposals on existing dwellings would be acceptable. Similarly, the masterplan indicates that the site could be developed in a manner where the levels and distances between homes would demonstrate levels of amenity and privacy not

dissimilar to those already established in the newer areas of Groesfaen which as such would make them acceptable.

Matters relevant to the consideration of planning policy are dealt with above though a number of objectors have sought to tie in the increase in traffic to policy and to making other Council policies outside of planning (the regional transport plan) more difficult to deliver it amounts to no more than a supposition that is not backed up by any empirical evidence. However as Members will note from the concerns of the Highways and transportation Section outlined above other concerns raised by residents are well founded.

There is a suggestion that in comparison to the rest of the village the proposal would represent a high density development, however, even if the site were built to the 85 dwellings suggested with a total area of 3 hectares density levels would actually be slightly below local development plan requirements and it could be argued that the lower density proposed would sit more comfortably with the surrounding development than what otherwise might be required.

Whether or not the current planning system allows developers to “game” the process it is the process we are obliged to work with despite its perceived failings.

Despite claims made with regard to water supply by residents Dwr Cymru Welsh water as the relevant utility provider have no concerns with regard to the proposed development.

A number of residents have indicated that part of the site floods however in consultation natural Resources Wales have raised not objection to the proposals and it is clear that the applicant does not intend to use the part of the site prone to flooding for anything other than water management.

There are claims that the A4119 and increases in traffic resulting from the proposed development would exacerbate current adverse health impacts and particularly the prevalence of Asthma in this area. However, in this case the Public Health and Protection division have not raised air quality as an issue in this case. Similarly the determination of the planning application has to take place on the basis of its planning merit which does not include the individual health or wellbeing circumstances of and resident individuals.

A number of residents have raised the issues of precedent and need with regard to the current submission. If Members are minded to allow the application it would not set a precedent as long as the decision is taken on balance and in line with current Welsh Government Guidance in respect of bringing sites of this nature forward to address the housing land supply issue. The reason the site is now the subject of a planning application is principally driven by the need for the Authority to maintain a five year housing land supply so it is difficult to argue that more development is not

needed even if housing completions in the south of the County Borough are keeping pace with original targets.

The domiciliary status of the current owners of the site or the type of business they might conduct are not material planning considerations.

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

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

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

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

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

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

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. 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**

As the application is being recommended for refusal there is no requirement to pursue a Section 106 agreement in this case, however, if Members are minded to take a contrary decision in this matter then an agreement should be pursued to deliver the following:–

- The provision of affordable housing in accordance with the recommendations of the housing strategy officer.
- The provision of onsite public open space and play area
- Meeting the Council's reasonable costs in the preparation of the S106 legal agreement.

## **Conclusion**

Notwithstanding concerns relating to issues around viability and build rates which have not been fully explained and the uncertainty around the status of the application site in terms of agricultural land classification, on the basis of the information provided there is concern with regard to this particular application.

Firstly the application site is located outside of settlement limits and this of itself raises a policy based objection in respect of the proposal representing development in the countryside. Adding further weight to this is the unsustainable nature of the proposed development lying as the site does in an area that is ill served in terms of general facilities and limited public transport provision, which raises a further policy related objection to the submission. Whilst this has to be balanced against the materiality of the lack of a five year housing land supply in the County Borough the weight of the argument in policy terms favours the refusal of this planning application.

In addition to this the applicant has also failed to provide sufficient certainty in respect of highways and ecology of the site to ensure that a safe recommendation in favour of the development could stand up to scrutiny and as such the following recommendation to members is made.

## **RECOMMENDATION: Refuse**

1. The proposed development would represent unjustified residential development outside of settlement limits in an unsustainable location contrary to the requirements of policies CS2 & AW2 of the Rhondda Cynon Taf Local Development Plan and Chapter 4 of Planning Policy Wales (Edition 8 January 2016).
2. Insufficient detail has been provided to indicate that the proposed development would prove acceptable in terms of its impact on the highway network and does not satisfy the requirements of policies AW5 and AW8 of the Rhondda Cynon Taf 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**

**19 MAY 2016**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**OFFICER TO CONTACT**

**MR. J. BAILEY  
(Tel: 01443 425004)**

**See Relevant Application File**

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