

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2016-2017:**

**DEVELOPMENT CONTROL  
COMMITTEE  
20 OCTOBER 2016**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 5</b>
<b>APPLICATIONS 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: 16/0725 - Development of up to 80 residential homes including affordable homes, landscaping, public open space, new vehicle access and associated works, Garth Isaf Farm, Road to Garth Isaf Farm, Llanharan, Pontyclun.

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## APPLICATIONS RECOMMENDED FOR REFUSAL

**APPLICATION NO:** 16/0725/13 (JAW)  
**APPLICANT:** Miss C L Williams & Mr J Moroney  
**DEVELOPMENT:** Development of up to 80 residential homes including affordable homes, landscaping, public open space, new vehicle access and associated works.  
**LOCATION:** GARTH ISAF FARM, ROAD TO GARTH ISAF FARM, LLANHARAN, PONTYCLUN, CF72 9NH  
**DATE REGISTERED:** 21/07/2016  
**ELECTORAL DIVISION:** Llanharan

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**RECOMMENDATION:** Refuse

**REASONS:** The principle of the proposed development is unacceptable as the proposal would lead to development outside settlement limits in an unsustainable location and within a special landscape area. This outweighs any justification on the basis of a housing land supply shortage. It would also create hazards to the detriment and free flow of traffic

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### REASON APPLICATION REPORTED TO COMMITTEE

The proposal due to the size of the site is not covered by determination powers delegated to Service Director Planning.

### APPLICATION DETAILS

This planning application seeks outline planning permission for a residential development of up to 80 dwellings with means of access not reserved, (i.e. details of the access point to serve the development is to be agreed at this stage). It is intended that the development will comprise a mix of 1 and 2 bedroom apartments to 2, 3 and 4 bedroom houses and the applicants indicate that the development would deliver 20% affordable homes in accordance with current policy requirements.

The proposal includes a new direct access on the A473 in the form of a priority junction incorporating a ghost island and right turning lane located 200m west of the Heol y Twyn/A473 roundabout.

As an outline planning application with all matters except access 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 which are set out in the following table:

	Length	Width	Height
Individual buildings	8.5m – 10.5m	4.5m – 10m	7.5m – 9m
Semi-detached	8.5m – 10.5m	5.5m – 8m	7.5m – 9m
Terraced	8.5m – 10.5m	4.5m – 5.5m	7.5m – 9m

The indicative layout shows that the existing pond within the site would be retained with existing trees and hedgerows retained where practicable; a LEAP for younger children is shown adjacent to the pond. To the west of the proposed dwellings a natural play area is proposed, to the west of which an area of marsh grassland would be maintained. It is proposed to plant a 15m wide belt of native woodland planting to the west of the new access.

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

- Design and Access Statement
- Planning Statement
- Landscape Appraisal
- Landscape and Visual Impact Assessment
- Ecological Assessment and Ecological Enhancement Proposals
- Transport Assessment
- Flood Risk and Assessment
- Arboricultural Report
- Coal Mining Risk Assessment

## **SITE APPRAISAL**

The site is entirely rural in character comprising two agricultural grazing fields. The site has a total area of 3.9 hectares and includes a pond on the site's southern boundary and an area of hard standing at the south-east corner of the site. A series of trees and hedgerows are located along the site's southern boundary. The site is gently sloping for the first 60m north of the A473; thereafter it starts to rise up the valley side.

Existing vehicular and pedestrian access is off the A473 on the site's southern boundary via the existing farm access road which forms the site's eastern boundary, beyond which is a mature belt of trees and Talbot Green Business Park. The site is bounded by the A473 to the south and grazing fields to the west and north.

## **PLANNING HISTORY and RELATED HISTORY**

Hotel Development and associated works (outline) Reference 90/0061 (with a number of renewal applications approved – references 95/0702, T/99/2055, 95/0702 and 02/162). Reference 06/1083 – renewal of planning consent 02/1621 – Refused 20/03/07.

98/2485 Retention and completion of a hard standing to provide operational storage for farm plant and machinery Approved 27/11/98

08/0354 Stable block and ménage Approved 27/08/08. Reference 13/0871 to extend the expiry date of 08/0354 for a further five years Withdrawn 14/11/14.

## **PUBLICITY**

The application has been advertised by means of a press notice, sites notices and direct neighbour notification letters and this has resulted in six letters of objection expressing the following concerns:

### Local Development Plan and Planning Policy Issues

- The proposed development does not integrate with a special landscape area.
- Site is located in a green wedge between Llanharan and Pontyclun would erode the countryside and have a detrimental impact on the character of the approach to the nearby Grade II Historic Park and Garden and Grade II Listed Llanharan House.
- The applicant's documents are misleading in that they constantly refer to the site as 'Talbot Green' but the site is in Llanharan Ward which extends about 1.2km east to the edge of Lanelay Lane.
- Site is on an incline and will be very visible from the road.

### Housing Land Supply

- 80 dwellings would have a negligible effect on the housing shortage and a detrimental effect on the environment. Allowing houses outside the settlement boundary could result in more green fields diminishing, as once houses are built in this location it will set a precedent for future development along this stretch of road.

### Highway and Transportation Issues

- Concern that the A473 is an extremely busy road with high volumes of traffic, including huge lorries which travel at speed. As a resident who lives along this road it can take up to 10 minutes to get onto the road at peak times and this development could generate up to 160 vehicles, all trying to access it in the mornings and exit it in the evenings with great difficulty.
- The proposed access is at a very dangerous position near a very bad bend with numerous accidents along this stretch. It is estimated around 6 a year which police records could confirm (some not reported) and there have been several overturned cars in the fields either side of the road. Pedestrians can also wait a ridiculous amount of time to cross the road while waiting for a safe gap in the speeding traffic.

- One resident commented they catch bus on application side of road go to Talbot Green and stay on bus to double back to go to Bridgend because it is not safe to cross the road at certain times of the day.
- Concern that this development would follow closely behind a number of housing developments in Llanharry, Llanharan, Talbot Green and up to 1850 dwellings to be built in Llanilid. The A473 is used as a link road for both west and east bound commuters accessing the nearby M4 and this development would exacerbate the already severe traffic congestion during weekday rush hours causing additional noise and pollution.
- Applicant is suggesting that the line of sight for a 60 mph road could be reduced from the standard 215m to 160m it is considered this is a dangerous idea considering the nature of the A473 when travelling eastward from Llanharan. Who would be responsible for the maintenance of the roadside vegetation to ensure clear vision is maintained?
- The applicants suggest Pontyclun railway station is within walking distance (30 minutes plus). Few people will walk to the train station this has the potential to increase vehicle movements. The only bus that passes the site is the hourly daytime 65 First Cymru Service from Talbot Green to Bridgend (a tortuous route). There is no provision for bus stops and pull-ins close to the site, which is particularly concerning with regard to the potential of school buses having to pick up and drop off there. Other bus services pick up/drop off about 1.2km to the east or at Talbot Green Bus Station approximately 2km to the east not distances most people would be willing to walk.
- Question the suitability of the existing access for heavy construction traffic where there is a Public Right of Way RAN/31

#### The Physical Environment

- The site is in the catchment area for Llanharan Primary School not Tonysguboriau as stated.
- Schools would not be able to be accessed by foot without placing pupils in danger due to lack of suitable pavements.

#### The Natural Environment

- The area is rich in wildlife which suffered several months of disruption earlier in the year due to a mass tree felling operation in the forestry to the northwest of the site.
- Regularly walk the surrounding area and witness a large number of animals including rabbits, hares, foxes, badgers, weasels, sparrow hawks, kestrels, herons, owls and buzzards, all of which forage in the field next to the development site and are almost certainly used by them. Bats use local roof spaces along with swallows nesting in outbuildings.
- There is a selection of plants and trees in the area including orchids.
- No consideration of woodland to the north of the site where there is an active badger sett.

- There is a possibility of dormice in the wood adjoining Garth Isaf Farm.

#### Other Issues

- The serenity of the area has diminished and the peace and tranquillity of the area will be further affected by the proposed development.
- A sustainable drainage system is proposed incorporating soakaways and or discharge to an adjoining watercourse. The section of the A473 adjacent the site is subject to surface water collection and to the south of the road is Coed Marsh with a high water table.
- Horses are kept on land bordering the site concern with regards to the welfare of the horses as a result of the proposed development.
- Concern with regards to children's safety in respect of pond to be retained on the site.
- There is no full time doctor's surgery in Llanharan and patients are forced to attend the surgery in Pencoed. The schools cannot cope and a National Health dentist is "like gold". The post office has gone from Llanharan and also Talbot Green. Lost our bank and although there is one in Pontyclun takes two buses to get there.
- Hotel development was a considerable distance from this site.
- LEAP area on built up ground where over a number of years hardcore/rubble was deposited.
- Maps not up to date as does not show the neighbours existing property, only shows Garth Isaf Farmhouse.
- The existing access road from the A473 belongs to Garth Isaf Farmhouse, which neighbours have access over, this road directly adjoins the site and the development would have considerable affect on the enjoyment of the dwelling, including loss of privacy and noise/traffic pollution.

A letter of objection has also been received from Llanharan Community Council which is summarised as follows:

- The application site lies outside the settlement boundary and contradicts the stated intention of the Local Development Plan to prevent coalescence of the two communities of Llanharan and Talbot Green.
- The access is directly off the A473 at a dangerous location, where there is limited vision splay and high traffic speeds. The Community Council does not have confidence that the provision of a 'ghost island' and the clearance of trees sufficiently mitigate the danger.
- The suggested number of vehicle movements to and from the proposed development has been understated.
- Access to the site on foot is limited to a single pathway on the opposite side of the carriageway and there are no proposed measures for safe pedestrian crossing or a new bus stop – this raises particular concerns for children attending the local school in Llanharan.

- There is no street lighting on this section of the A473 and there are no proposals in the submitted application for improvements.
- The area of land immediately on the south side of the A473 is a marsh area which is subject to high water levels which frequently lead to ponding on the A473 itself.

A letter in support of the application has been received from Owen Smith, Member of Parliament which is summarised as follows:

- Appreciate that the site lies just outside constituency; however, as it is literally next door it will have an impact on residents and businesses in area.
- Site is a sustainable area with a variety of job opportunities and good transport links, including public transport.
- Site will be attractive to the property market and developers due to its location in this vibrant area.
- Application proposes 20% affordable housing in line with policy SSA12 of the adopted Local Development Plan, which will make a valuable contribution towards reducing the waiting list for people requiring affordable and social housing in RCT.
- This windfall development will help to address the shortfall of housing units in the Local Development Plan, in comparison to the required number of housing units set by Welsh government.

## **CONSULTATION**

Transportation Section – have reviewed the submitted information and raised an objection.

Land Reclamation and Engineering – advises that the application is supported by a basic Flood Consequences Assessment and drainage strategy. There is no objection subject to conditions.

Public Health and Protection – advises that the development site lies in an area that potentially has poor air quality due to high levels of traffic flow along the A473. Units will either need to be further than 10m from nearest carriageway edge or submit an air quality assessment. Also, recommends conditions regarding noise and dust.

Natural Resources Wales – recommends a condition requiring more dormice survey work prior to work commencing on site and that development is implemented in accordance with the 'illustrative masterplan'.

Dwr Cymru/Welsh Water – objects to the proposed development as it would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme.

Western Power Distribution – no response received.

Wales and West Utilities – provides information 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 – advises 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.

Countryside Section – raises an ecological objection as there is insufficient information to fully assess the ecological impacts of the proposed development.

Education – expresses concern that the application identifies the nearest primary school to the development as Tonysguboriau Primary School, which is incorrect. The proposed development is in the catchment of Llanharan Primary and is also located closer to that school. There is limited capacity in both Primary Schools and no capacity in the catchment Secondary School, which would give rise to further pressure for additional secondary school places to be provided and possibly some primary school places.

A major concern is the walking route to all schools from this development site. The relatively remote location of this site means that if it is developed children would have to walk along the A473, with the result the Council would have to provide home to school transport to pupils attending both primary and secondary education at considerable and on-going cost.

Housing Strategy Section – advises in accordance with Policy SSA20 of the adopted Local Development Plan the site requires 20% affordable housing. Based on a development of 80 dwellings, 16 affordable units will be required. The findings of the 2014/15 Local Housing Market Assessment indicate the following housing unit mix: 3 x 2 bedroom houses and 5 x 3 bedroom houses for low cost home ownership and 6 x 1 bedroom walk up flats and 2 x 2 bedroom houses for social rent.

Coal Authority – raises no objection.

Glamorgan Gwent Archaeological Trust – no objection.

## **POLICY CONTEXT**

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

#### **Core Policies.**

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

CS4 sets out the housing land requirements for the County Borough.

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

### **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 – promotes development of non-allocated sites in sustainable locations, which are those within settlement boundaries (1), have good accessibility by a range of transport modes (3), have good access to key services and facilities (4), support the roles of settlements (6), and are well related to utility provision (8).

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 - 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 6.160 states that development will not be permitted outside the proposed settlement boundaries.

Policy SSA23 – requires the highest standards of design, siting, layout and materials for any development in the special landscape areas

### **Relevant Supplementary Planning Guidance**

1 – Design & Placemaking

5 – Affordable Housing

6 – Nature Conservation

7 – Planning Obligations

8 – Access Circulation & Car Parking

10 – Development of Flats

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 (8<sup>th</sup> 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 the greater significance in this case.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space
- PPW Technical Advice Note 18: Transport;
- 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 over-riding issues in the consideration of this planning application are the planning policy position and five year land supply. Also, the impact of the new vehicular access on highway safety.**

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

The site was not submitted as a Local Development Plan (LDP) candidate site, however, representations were made on the Deposit Draft LDP in 2009, seeking a settlement boundary amendment to include most of the application site. The site assessment submitted to the LDP Inspector in 2010 stated: 'development of the site.....would not represent a logical extension of the adjacent industrial estate and its isolated position does not lend itself to residential development'.

The planning application site lies outside the defined settlement boundary of Llantrisant/Talbot Green and Pontyclun and in a Special Landscape Area (SLA) and on the face of it the proposals represent a departure from policies CS2, AW1, SSA13 and SSA23 of the adopted Local Development Plan.

Given the departure from the LDP, the question is whether there are any material considerations that justify the grant of planning permission (Planning Policy Wales (PPW) 8,2.1.2 and 3.1.5). One such material consideration in favour of the development is the current shortfall in the five year housing land supply in the County Borough, as required by PPW 8, 9.2.3 and TAN1), which at 01/04/16 stands at only 1.5 years. 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.

The application seeks outline permission for "up to 80 units" which could be built at 30 to 40 per annum, potentially contributing up to 80 units to the 5 year land supply. The current shortfall is of 6,863 units, so at around 1%, a contribution of 80 dwellings would be a small albeit useful contribution.

Whist 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

**Settlement Boundary**

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.

Although the site adjoins the principal town of Llantrisant/Talbot Green it is separated from the nearest residential areas by substantial employment areas, including the Fillcare Factory. It is therefore contended that residential development of the site will not “be well integrated with and connected to the existing pattern of settlements” as set out in PPW 8, Para. 9.3.1.

Point 3 of policy AW2 seeks good accessibility by a range of sustainable transport modes and point 4 requires good accessibility to key services and facilities. It is acknowledged that the site has good access by car to the principle town of Llantrisant/Talbot Green (1.1 miles from the retail centre) and to the wider area including railway stations in Pontyclun (2.6 miles) and Llanharan (1.3 miles). However, as the A473 west of the Fillcare roundabout is a single carriageway with a single pavement and at the national speed limit of 60mph, it is not conducive to walking and cycling. The short dual carriageway between the Fillcare and Lanelay Hall roundabouts, whilst more spacious, is 40 mph and therefore still not an attractive pedestrian route.

The nearest bus stops for eastbound and westbound traffic services are the L’Oreal NE bound and SW bound facilities located approximately 1.1km from the proposed development site. Access to the SW bound bus stop requires crossing the dual carriageway by means of a substandard crossing point.

The proposed development lies within the school catchment area of Llanharan Primary located in Llanharan Village some 2.5km (1.5 miles) to the west of the development. The applicant has incorrectly indicated that the nearest school is Tonysguboriau 1.6 miles away. Walking routes to both schools alongside the A473 with substandard footways, lack of safe crossing points, isolated location and vehicles travelling at up to 60mph speed limit have been assessed by the Council in accordance with Learner Travel Guidance (2014) and are classified as unavailable.

Point 8 requires development to be well related to existing utility services and improvements to such services will be provided where necessary. Dwr Cymru/Welsh Water has advised that the proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to health and safety of existing residents. Dwr Cymru/Welsh Water has advised there are no improvements planned within their Capital Investment Programme and therefore raise an objection to the proposed development

In light of the above, planning policy at the local level clearly establishes that the site is inherently unsustainable and contrary to Policy AW2 of the Local Development Plan.

### **Special Landscape Area**

The site does not lie within a Green Wedge and does not lie within any SINC, although part of the important Pant Marsh SINC network lies directly opposite to the south.

The site lies within a Special Landscape Area (SLA) – SSA23.7 Mynydd High and Llantrisant Forest and the application addresses the SLA with a Visual Landscape Assessment, which assesses the sensitivity of the landscape as moderate; the significance of the effect of the development on the landscape of the site as major to moderate and the significance of the effect of the development on the wider landscape after mitigation as minor. However, the effect of development is not illustrated, as the four viewpoints are not accompanied by photomontages of the proposed development. It is considered that the viewpoints show an attractive rolling landscape rather than a site where development would be unobtrusive. Although SLA policy simply requires the highest standard of design in SLA's, extensive residential development is not normally expected to be acceptable in an area designated for its landscape qualities. It is considered that approximately 80 dwellings beside a busy road and PROW even with landscaping would have an effect of more than minor significance on the wider landscape. It is therefore considered that insufficient information has been received to demonstrate that the proposal would not represent an unwarranted urban extension into an area recognised and designated for its special landscape qualities contrary to the objectives of Rhondda Cynon Taf Local Development Plan Policy SSA23.

### **Viability and Deliverability**

In the event that the shortage of housing land outweighed the conflict with the adopted LDP and national policies, evidence is then required that the whole development is viable enough and deliverable enough to contribute to the 5-year land supply. Specifically, satisfactorily evidence would be required in respect of:

Land Ownership – the application site and any off-site works needs to be in the ownership or control of willing parties (no ransom strips). The applicant has advised that this is the case.

Utility Constraints – Consultation with utility providers need to indicate no difficulty or delay in providing services. This is not the case as discussed earlier Dwr Cymru/Welsh Water have raised an objection to the proposed development as the proposal would hydraulically overload the existing public sewerage system with no improvements planned in their Capital Investment Programme.

House builder Engagement – active involvement of a house builder would demonstrate deliverability. The applicant's planning statement mentions that their client has been approached 'by a number of private house builders and a Registered Social Landlord to explore the potential to develop the site for housing'. However, there is no evidence how firm this interest is.

Viability – the proposal will need to be viable taking into account section 106 agreement costs including affordable housing at 20% and to pay the Community Infrastructure Levy at £85 psm, on top of any abnormal costs. The applicant has not provided any information to indicate that with all of these contributions the site would remain financially viable. Members should also note that the Community Infrastructure Levy (CIL) was introduced on the basis that it would deliver the strategic improvements that would be necessary as a result of the development identified in the Local Development Plan coming forward. In this case the site is not proposed for development under the Local Development Plan and it is the view of officers that it is reasonable to expect in such circumstances that the site should meet its CIL obligations and any other extraneous costs to the Authority that might result from it e.g. in the need for further educational provision.

This latter point is important as viability is an important factor as to whether the development would proceed if consent is issued and if viability is questionable then it would affect the ability of the site to make a meaningful or potentially any, contribution to the five year housing land supply.

To demonstrate site delivery an outline application of this type will set a short deadline for submission of reserved matters, to maximise the potential contribution to the housing land supply. However, it is contended that deliverability of the site has not been demonstrated and there is a lack of evidence to demonstrate the viability of the site, other than the intention to provide 20% affordable housing.

### **Access and Highway Safety**

The A473 is a primary inter-urban route linking the Taff Valley with Llantrisant, Talbot Green, Llanharan and Bridgend and provides a strategic regional link between the A470 at Upperboat and M4 junction 34 (via the A4119) and M4 J35 at Bridgend and is a primary diversionary route in the event of closure of the M4 motorway. A traffic survey undertaken by the Authority in February 2012 indicates that the route carries 12,864 two-way Average Annual Daily Traffic (AADT). The traffic survey undertaken in October 2015 as part of the submitted Transport Assessment (TA) indicates average weekday two-way traffic of 14,720 vehicles.

It is noted that the site description provided in section 2.2 of the TA is factually incorrect in stating that ‘access to the site is currently obtained via a simple priority junction on the A473 approximately 120m west of the Heol Y Twyn / A473 roundabout’. An illegal access to the A473 was formed at this location a number of years ago and in response to enforcement action by the Authority the access was closed by the placing of large stones to prevent vehicular access. The site subject to the planning application is currently accessed via the sub-standard private lane which provides access to Garth Isaf Farm which is located approximately 50m to the west of the Heol Y Twyn / A473 roundabout.

The proposal is for development of a site located outside the LDP boundary and in an unsustainable location. This approach could potentially lead to inadequate provision of access and circulation to serve potential adjacent development and therefore would have adverse impact on the local and wider highway network and result in multiple accesses off the A473 to the detriment of highway safety, free flow of traffic and increased journey times.

There is serious concerns regarding the proposed access from the A473 and the design of the junction incorporating a right turning lane, due to it constituting an additional junction on a principal route, carrying two-way average weekday traffic of 14,720, close to nearby existing access to Garth Isaf Farm and Heol y Twyn / A473 Roundabout with associated adverse impact on the safety of all highway users and the free flow of traffic. There is a general presumption not to allow further individual accesses off strategic routes which is supported by SEWTA for control of new accesses off "Principal" inter-urban roads. The creation of a new junction located close to the roundabout junction at Heol Y Twyn/A473 and nearby access to Garth Isaf Farm would have a detrimental impact on the safety and capacity of the A473 as well as resulting in potential harm and increased journey times. The proposed access would therefore have a detrimental impact on the safety of all highway users and free flow of traffic.

The TA does not take account of committed development sites at :-

- Talbot Green New Town Centre;
- Llanharan- Cofton 1800 new houses;
- Lanelay Hall – Barratt Homes 86 new houses.

The committed development sites have a significant impact on traffic flows on the A473 in the vicinity of the site and the lack of consideration of the cumulative impact together with the proposed development gives cause for concern.

The TA states that the majority of sustainable transport trips would be undertaken on foot and cites the sustainable location and close proximity to local amenities and with frequent bus services and attractive cycle routes. This gives significant cause for concern as the frequent bus service only operates between Talbot Green and Bridgend between 08:00 and 18:00 and is of limited value to persons starting or finishing work outside these times or to access local facilities during the evenings. The footways serving the site and linking to Talbot Green and Llanharan are substandard in width and lacking in facilities to cater for mobility impaired users to cross the carriageway at a number of locations, in addition to being located alongside the A473 which is extremely heavily trafficked and subject to a 60mph speed limit.

The TA refers to the Chartered Institute of Highways and Transportation Guidance (CIHT) contained within publication 'Providing for Journeys on Foot' although this document has been used to calculate walking speeds of 1.4m/s (which equates to 400m every 5 minutes), in determining walking speeds no account has been taken of the suggested walking distances provided in the publication (which indicated, preferred maximum walking distances of 800m in Town Centre locations, 2000m for commuting/school and 1200 elsewhere). On this basis all walking destinations with the exception of Talbot Green Business Park and the L'Oreal bus stops are close to or above the maximum preferred distance.

The development is located in the catchment area for Llanharan Primary School which is located 2.5 km (1.5 miles) to the west of the proposed development. The distance to Llanharan Primary School is at the limit for primary school children walking to school. Furthermore the walking route to both schools has been assessed by the Authority, in accordance with Learner Travel Guidance, as unsafe and therefore unavailable. In the absence of safe walking routes to school the Authority would be required to provide free home to school transport at considerable ongoing expense.

The proposals do not provide bus stop facilities to accommodate the bus services passing the site to cater for the development, safe controlled pedestrian crossing facilities to access the southern footway and bus stops and off site highway improvements to improve safety of pedestrians and cyclists on routes to local amenities in accordance with Active Travel (Wales) Act 2013, Learner Travel and Safer Routes in Communities. Such omissions give extreme cause for concern and would require lowering of the national speed limit to 50mph based on average daily speed.

A Stage 1 Road Safety Audit has not been provided in support of the access proposals, which is unacceptable.

Concerns of residents with regards to road accidents in the area of the site are noted. The TA indicated two accidents in the 5-year period to 31 December 2014 and concludes that none of the accidents are attributable to specific features of the nearby highway network and were a result of driver error. However, the accident survey has considered only the length of the A473 for a distance of approximately 200m on approach to the Heol Y Twyn/A473 roundabout to the dwellings known as Maes y Deri and Maes Y Coed. The limited extent of the accident survey area and lack of consideration of accidents along the proposed pedestrian routes to Llanharan, Talbot Green and Pontyclun is a significant cause for concern, particularly as no assessment of the safety of these routes for pedestrians, school children and cyclists have been considered within the TA in accordance with Learner Travel and Active Travel (Wales) Act 2013.

The site is in an unsustainable location and would be heavily reliant on the private car as a means of travel which is considered unacceptable and is contrary to local and national planning policies. For the reasons outlined above the proposed development is contrary to policy AW5 of Rhondda Cynon Taf Local Development Plan.

## **Other Issues**

### **Ecology**

The Council's Ecologist has advised that there is currently insufficient information to fully assess the proposed development in terms of:

- More survey assessment work of dormouse habitat/use of the site is required.
- The results of on-going reptile surveys are required which are referred to in the ecology report.
- The habitat survey needs to be extended to include the 'western end' of the roadside hedgerow (which doesn't appear to have been surveyed as part of the tree survey), and that all sections of hedgerow which are identified as being lost are assessed using the Hedgerow Regulations (1997) criteria.
- Appropriate bat activity/foraging assessment is required in order to understand how the ponds and wooded areas are being used by bats (an important lesser horseshoe bat roost occurs 1.5 km west of this site and ponds).
- Following a report of a badger in relatively close proximity of the site, some further clarification of whether this site is being used as foraging habitat by badgers.

Natural Resources Wales (NRW) supports the request for further survey work of dormouse habitat/use of the site. NRW advises that the ecological report 'Land at Garth Isaf Farm, Talbot Green, Ecological Assessment and Enhancement Proposals' by Ecology Services, dated June 2016 advises that it is extremely unlikely that dormice are present on site, due to the closest records being 0.6km away and separated by a road and railway line, and the assessment that there are only 'fragmented areas of potential dormouse habitat' present. NRW however do not agree with this assessment. NRW advise that no consideration has been made of the areas of Woodland north of the road surrounding the site. In addition, Coed Trecastell, the location of the closest dormice records, lies 200m south of the site and is well connected by suitable habitat. The road along the southern boundary of the site is unlit at this location and is bounded on both sides by suitable habitat for dormice that also creates some aerial connectivity over the road in places. It is therefore not considered complete to consider that the road or the railway line is complete barriers to dormice movement. NRW are also of the view that the mature hedgerow and associated boundary vegetation, approximately 350m in length, along the southern edge of the site is suitable for use by dormice.

NRW therefore consider that there is a reasonable risk that dormice may be present on the site and be impacted by the works given that the removal of the majority of the existing southern boundary vegetation is proposed in order to facilitate the development. NRW have suggested conditions to require the site be laid out in accordance with the illustrative master plan and require the submission of a scheme to conserve dormice.

Dormice and bats are protected by the Conservation of Habitats and Species Regulations 2010 (as amended) and the submitted habitat survey does not include all of the hedgerow loss associated with the proposed scheme. It is therefore concluded that at present insufficient information is available to fully consider the ecological impacts of the proposed development contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Character and Appearance of the 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 special landscape area. 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

### **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, except access. As such there is little detail to consider, however, given the proximity of the nearest dwellings it is unlikely that the residential development of the site would adversely impact on neighbouring residential amenity to an unreasonable extent.

### **Affordable Housing**

The application indicates that the proposal is for up to 80 market dwellings including 20% affordable units. This will comply with the requirements of policy SSA12 of the Local Development Plan which requires 20% affordable housing provision on sites of 5 units or more in the Southern Strategy Area.

### **Drainage**

The objection from Dwr Cymru/Welsh Water that the proposal would hydraulically overload the public sewerage system has been considered earlier in the report.

Llanharan Community Council and a local resident have raised concern that there is a marsh area on the south side of the A473 which is subject to high water levels which frequently lead to ponding on the A473 itself. The Council's Drainage Section has considered the submitted basic Flood Consequences Assessment and drainage strategy and raises no objection subject to a condition requiring the submission of full drainage details to comply with the requirements of Section 8.3 of Technical Advice Note 15.

### **Coal Mining**

The Coal Authority advises that the application site falls within the defined Development High Risk Area. The applicant has submitted a Coal Mining Risk Assessment, prepared by Integral Geotechnique dated July 2016, the contents and conclusions of which are considered sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made safe and stable for the proposed development.

### **Impact on Listed Garden and Building**

There is no evidence to suggest that the proposed development would have a detrimental impact on the character of the approach to the nearby Grade II Historic Park and Garden and Grade II Listed Llanharan House.

### **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 site mitigation on the local transport network and a local employment plan. Also, any other extraneous costs to the Authority that might result from it, for example, the need for further educational provision.

### **Conclusion**

In concluding this application has to be determined with regard to planning policy considerations. The settlement boundary, the special landscape area and there is no capacity in the existing public sewerage system to accommodate the proposal weigh against the submissions made by the applicant arguing to the contrary are not considered to outweigh the significant policy objections. Additionally, the proposal would create traffic hazards to the detriment of the free flow of traffic on a Principal inter-urban road. There is also a lack of information with regard to ecological issues that would enable Members to make an informed decision. In light of the above, there is a fundamental objection to the proposed development which cannot be overridden purely on the basis of housing land supply.

### **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 information has been received to demonstrate that the proposed development would not represent an unwarranted urban extension into an area recognised and designated for its special landscape qualities contrary to the objectives of Rhondda Cynon Taf Local Development Plan Policy SSA23.
3. The proposal is contrary to Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan in that:
  - There is a general presumption on traffic grounds against additional accesses to “Principal” inter-urban

roads, which would create hazards to the detriment of the safety and free flow of traffic.

- it would jeopardise satisfactory provision of access, circulation and result in a proliferation of accesses to the A473 which is a strategic inter-urban road, resulting in increased hazards and delays to road users.
  - Comprehensive assessment of safe routes for pedestrians and cyclists in accordance with Safer Routes in Communities, Learner Travel and Active Travel (Wales) Act 2013 has not been carried out and mitigation measures provided to facilitate safe routes to school and local amenities and to encourage sustainable modes of travel.
  - Insufficient detail has been provided of the proposed access including provision of bus stop controlled crossing facilities and Stage 1 Road Safety Audit together with assessment of Safe Routes in Communities to enable an assessment of highway, pedestrian and cycle safety considerations to be made.
4. The proposed development would hydraulically overload the public sewerage system with no planned improvement by Dwr Cymru/Welsh Water planned within their Capital Investment Programme, contrary to policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan.
5. 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.

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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**

**20 OCTOBER 2016**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**OFFICER TO CONTACT**

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**See Relevant Application File**

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