



PLANNING & DEVELOPMENT COMMITTEE

25th March 2021

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: **20/0963 - Application for reserved matters approval (appearance, landscaping, layout and scale) for residential development including associated Works, Roads And Infrastructure, Former Clariant site, Llantrisant Road, Church Village**

1. PUROPOSE OF THE REPORT

Members are asked to determine the above planning application

2. RECOMMENDATION

That Member consider this report and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the meeting of the Planning and development Committee held on 25th February 2021 with a recommendation that planning permission be granted. A copy of the original report is attached as **APPENDIX A**. At that meeting, Members resolved to defer determination of the planning application to allow further negotiation with the applicants in respect of the provision of affordable housing, and to allow the developer to give further consideration to addressing the layout concerns related to noise and the adjacent industrial estate and to address concerns relating to car parking at Role Play Lane. The full response to the concerns raised can be found in the letter at **APPENDIX B** and can be summarised as follows –

- The full remit of the Section 106 agreement secured against the outline planning permission includes in total 7% affordable housing, a local equipped area for play, £10,000 active travel contribution, long term habitat management plan, and employment skills plan.
- In addition to the Section 106 requirements the development of the site will also deliver Community Infrastructure Levy contributions in excess of £1,000,000.
- The development will provide 4% social rented walk up flats and 3% low cost home ownership.

- The provision of affordable housing can only be agreed at the grant of planning permission (in this case the grant of outline planning permission) and there is no provision to reconsider social housing provision at reserved matters stage.
- Change can be agreed between the parties if both parties agree but there can be no requirements as that would derogate from the original grant of planning permission.
- There is no provision within the section 106 agreement to reconsider the viability of the provision of affordable housing, which in any event is unchanged.
- Planning officers and public health officers consider the proposals to deal with noise acceptable.
- The mitigation offered includes a 3.5m barrier on the site boundary, uprated acoustic glazing and mechanical ventilation. These in combination bring noise levels below British Standard guidance
- Notwithstanding this the developer is indicating a willingness to raise the acoustic barrier to a height of 4m providing additional mitigation.
- Objectors refer to the Public Open Space being located on the industrial estate boundary on the outline application illustrative layout but it also showed housing on this boundary and a form of buffer.
- Noise issues were not raised at the pre application or outline application stage.
- Parking serving the Role Play Lane facility from the applicant's perspective is unauthorised and cannot be relied upon as it encroaches in to the Clariant site and the land concerned is outside of the control of the objector or the industrial estate.
- The applicants note that the drainage arrangements vary from those shown on the outline application illustrative layout in the current proposed detailed layout. This is a result of the re-engineering of the site which requires that the Public Open Space and attenuation basin features be moved to the locations now proposed
- The applicants also explain that the layout now proposed while at variance with the outline application illustrative layout, the proposals still meet the objectives of the Wildlife Protection Plan and Habitat Management Plan

Members are advised that the process description in respect of the provision of affordable housing as described by the applicants is correct as they are under no obligation to revisit the amount of affordable housing to be provided at the development. Clearly, whilst they could enter a deed of variation to the Section 106 agreement to alter the amount of affordable housing provided as part of the development the developer is disinclined to do so. Members are advised that a refusal of reserved matters on this basis would be very unlikely to succeed if the matter is taken to appeal.

With regard to the noise issue Members are advised that provision was made within the outline planning permission for the noise issues to be addressed at the reserved matters stage. In that the applicants have demonstrated that the proposed layout is acceptable as long as the attenuation measures are proposed are applied in the development of the site. The suggested increase in the height of the boundary noise attenuation barrier is welcome as it would improve the experience of future occupants and add certainty. The increase in height would not be considered to be otherwise significant in planning terms such as its impact on residential amenity over and above what has already been agreed.

The applicants position with regard to Role Play Lane has been made clear and it is a matter that lies outside of the consideration of this planning application. The comments in respect of the drainage and ecology bring further explanation and understanding to how the differences between the illustrative layout provided at the outline planning permission stage and the eventual site layout have evolved.

PLANNING & DEVELOPMENT COMMITTEE

25 FEBRUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0963/16 (GD)
APPLICANT: Bellway Homes Ltd (Wales)
DEVELOPMENT: Application for reserved matters approval (appearance, landscaping, layout and scale) for residential development including associated works, roads and infrastructure.
LOCATION: FORMER CLARIANT SITE, LLANTRISANT ROAD, CHURCH VILLAGE, CF38 2SN.
DATE REGISTERED: 17/09/2020
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: Approve

REASONS: The principle of the proposed development has been established through the earlier grant of outline planning permission and the details submitted under cover of this submission are considered acceptable in planning terms

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

APPLICATION DETAILS

Reserved matters approval is sought for the appearance, landscaping layout and scale of 95 dwellings at the former Clariant site in Llantwit Fardre, the development would comprise the following house types

- 11no. Bowyer four bedroom house types
- 8no. Chandler three bedroom house types
- 9no. Cutler four bedroom house types
- 6no. Farrier four bedroom house types.
- 6no. Mason three bedroom house types.
- 5no. Philosopher four bedroom house types
- 12no. Potter house types (2no affordable units)

- 14no. Scrivener four bedroom house types
- 17no. Tailor three bedroom house types (1no affordable unit)
- 3no Thespian house three bedroom house types
- 4no DQR one bedroom flats (all affordable units)

In addition to the above house types the scheme also includes details of single and double garages that will serve some though not all of the houses.

The houses will be finished in either the Forterra Farmstead Antique brick or Forterra Berwell Buff brick. Detailing on two of the larger houses (the Bowyer and the Scrivener) will be varied by installing hanging tiles to some of the external walls to match the roof. Roofs will be slate grey Redland mini stonewold roof tiles. Windows will be in white uPVC with rainwater goods fascia's and bargeboards in black uPVC. Boundary treatments will be a combination of close boarded fences to the rear of properties with steel railings to the front and screen walls at appropriate locations.

Access to the site from Main Road was approved under the outline planning application. Within the site the houses would be served by a series of adopted roads and private drives. Internally the general arrangement consists of 5.5m carriageways with 2m footways either side with some sections and cul de sacs constructed as mews court consisting of 2m footway on one side and a 1m hard margin on the other, traffic calming plateaux have been placed on the highway network within the site at key locations.

SITE APPRAISAL

The application site is comprised in a rectangular area of land of some 3.13 hectares located southeast of Llantrisant Road in Llantwit Fardre. The site slopes downwards from Llantrisant Road towards the Nant Dowlais. The site was formerly occupied by the Clariant laboratories (and Nipa laboratories before that) and the buildings associated with that have been demolished and all associated plant removed because of the reclamation of the site that was undertaken for licencing purposes. A further reclamation works of the site is now underway under the terms of the previously approved outline planning permission which will further improve the site to a developable standard.. The site boundaries including the site frontage, are reasonably well wooded for the most part though the boundary with the Newtown Industrial Estate is a little thin in places.

Access to the site is directly from Llantrisant Road at the northernmost corner of the site approximately 50m from the Duffryn Dowlais light controlled junction.

Other than for the presence of the Newtown Industrial Estate and its associated businesses, the wider area is entirely residential in character with a mix of modern and traditional homes of varying types, ages and sizes punctuated by areas of broadleaved woodland.

PLANNING HISTORY

The site has an extensive planning history including hazardous substance consents relating to the former use of the site as a chemical/manufacturing plant. As the manufacturing use has ceased the following represent only the planning history following the closure of the plant.

18/1402	Outline application for residential development (all matters reserved save for access) with associated public open space, landscaping and associated works.	Approved 27 th May 2020
18/5123	Pre application Enquiry – residential development 100 – 120 units	Consent required and advice provided 4 th October 2018
18/5089	Residential development screening opinion	EIA not required 29 th August 2018
14/1682	Soil remediation works	Approved 1 st June 2015
12/0942	Prior notification of proposed demolition of chemical manufacturing buildings	Permission not required 11 th September 2012
12/0787	Prior notification of demolition of chemical manufacturing buildings	Permission required 17 th August 2012

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in the submission of 5 letters of objection raising the following issues –

- The area does not have the infrastructure to cope with another new housing site
- The roads are congested.
- Residents already struggle to get a doctor's appointment.
- Schools are full.
- Established businesses on the adjacent Newtown Industrial Estate are noise generators and they are concerned that the introduction of residential properties backing on to the estate will adversely impact their activities.
- Transport proposals for the site are inadequate lacking active travel provision as submitted, and the details should make provision for connection to the public right of way to the south east of the site and the community route beyond and

the route from the site to it is car dominated. Formal Cycle and walking access on to Coed Dowlais. New raised zebra crossings and bus stops. A separate cycle way across the site entrance.

- Pedestrian access from the site to Church Village is far superior to that to Llantwit Fardre
- Is the access acceptable in such proximity to the light controlled junction?
- Concern is expressed that the development will lead to more traffic using the Coed Dowlais estate roads to access the M4 and A470 and traffic calming measures should be applied to this route to discourage the indiscriminate use of a well-used school route.
- Contamination needs to be dealt with before the site is redeveloped.

CONSULTATION

Transportation Section – No objections subject to conditions imposed at the outline application stage being fully implemented as prescribed

Flood Risk Management – Raise no objection but advise that earlier drainage conditions be retained until such time as adequate details are provided. Also the applicant is advised that the development will be subject to the full SAB process.

Public Health & Protection – No Objections subject to compliance with conditions imposed at the outline planning application stage and the inclusion of further conditions relating to noise attenuation on the development. The developer is reminded that no housebuilding should take place until the clean cover plateau of the site has been provided.

Natural Resources Wales – No objections subject to compliance with the conditions relating to land contamination and pollution prevention imposed at the outline planning approval stage.

Dwr Cymru Welsh Water – No objection to the approval of reserved matters subject to compliance with conditions imposed at the outline planning application stage.

South Wales Fire & Rescue Service – Raise no objection subject to the developer ensuring adequate water supplies for firefighting purposes and ensuring adequate access for fire fighting vehicles.

Countryside – No objections

Education – no objections, CIL monies would be required to offset the impact of the proposed development on the provision of education in the locality

Glamorgan Gwent Archaeological Trust – No response received

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 AW1 – defines how housing demand will be met including amongst other things the development of unallocated land within defined settlement limits

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

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

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

Policy AW8 – aims 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 AW11 – sets criteria for the consideration of proposals aiming to promote alternative uses for employment and retail sites.

Policy SSA11 – requires housing development at a minimum density of 35 dwellings per hectare unless mitigating circumstances dictate otherwise.

Policy SSA12 – requires the provision of 20% affordable housing on development sites.

Policy SSA13 – sets criteria for the consideration of housing proposals within settlement limits.

Supplementary Planning Guidance

- Design and Placemaking
- Affordable Housing
- Nature Conservation
- Planning Obligations
- Access, Circulation & Car parking
- Development of Flats
- 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 Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development
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 principal considerations in the determination of this planning application are the impact of the proposed development on the character and appearance of the area the impact of the proposed development on residential amenity and privacy and whether or not the proposed development is acceptable in terms of its access and highway safety considerations, and that the layout respects the ecology of the area

The principle that the site is suitable for residential development was established with the grant of outline planning application 18/1402 on 27th May 2020

Impact on the character and appearance of the area

The immediate locality is characterised for the most part by a variety of housing types of varying age comprising both houses and flats. The exception to this being the buildings of the Newtown Industrial Estate which lie immediately west of the application site This delivers a wide variety of design in the building stock and indeed within the housing stock of the area, which lacks any consistency in visual appearance.

It is within the wider urban mix described above that the site will be developed as a discreet development set within its own well defined boundaries. The redevelopment

of Clariant would have a positive impact on the character and appearance of the area as a currently unused site that presents an air of dereliction would be replaced with modern housing.

The specific layout and design in this instance presents a legible estate of new housing containing a variety of house types and tenures of varying size. The overall storey height is consistent with traditional two storey dwellings, and all dimensions are compliant with the parameters agreed at the outline planning application stage

Impact on residential amenity and privacy

The application site is a discreet and well defined area of land set within its own boundaries and it lies a sufficient distance from other established residential property so its development would have little or no impact on the residential amenity or privacy of any established residential development round about. In terms of its internal configuration the proposed houses and flats are laid out around a series of estate roads providing access to the properties and the properties themselves maintain acceptable distances between themselves such that they respect each others amenity and privacy. Typically front to front distances vary between 12.5m and 22.5m while back to back distances vary between 17.5m and 31m. This reflects a variation in density across the site and the variety of property types. The layout is in this respect typical of current trends in housing development and is acceptable in planning terms.

Members will note that the tyre business on the adjacent industrial estate have expressed concern at the proximity of houses proposed on the western boundary of the application site to their own facility. The reason for this is that their business was originally granted planning permission on appeal in the 1980's and as part of that permission there might be a condition requiring that certain activities not take place within 50m of a residential dwelling. Despite a search of our own records, those of the Planning Inspectorate, and requests to the Glamorgan Archive and National Archive no copy of the decision referred to has been found. Moreover the applicants in this case if the application is consented to, are the agent of change and it is incumbent upon them to address any potential nuisance that might arise as a result of existing ambient noise levels. To that end the applicants have provided a noise assessment in support of their proposed development and this has been subject to independent consideration by the Council's Public Health and Protection Division. Public Health and Protection are satisfied with the methodology, findings and recommendations of the report and subject to the application of appropriate conditions being attached to any permission that might be issued.

Ecology

Following revisions to the landscaping scheme for the proposed development no objections are raised to the proposed development.

Access and highway safety

Matters relating to the suitability of the proposed access, traffic generation, trip distribution and accessibility to public transport were addressed as part of the outline

application 18/1402 which was approved with decision notice issued 13th October 2017.

Parking provision is below the maximum requirements set out within the Council's SPG; Access Circulation and Parking March 2011), however, the shortfall is associated with smaller house types and 1 bed flat with a minimum of 2 spaces provided for each house and a minimum of 1 space for each 1 bed flat. The site is in a sustainable location and considering the improvements to bus stops in the vicinity of the site, provision of footway to Llantwit Fardre, provision of pedestrian controlled crossing and financial contribution to Active Travel schemes in the locality to support and encourage sustainable modes of travel the parking provision is considered acceptable. Members will note the comments from the public relating to connections to the sustainable transport network. Whilst this would be desirable it is unachievable as to provide such a facility would rely on acquiring third party land. Whilst some objectors make reference to an increase in traffic passing through the Coed Dowlais Estate no evidence is offered to suggest that this would actually be the case.

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.

Members will note that in consultation concerns were expressed by the public regarding the contamination of the site and the need to deal with it prior to development. The outline planning permission is heavily conditioned to deal with this issue and to date the pathway that it sets out has been followed with the end goal of residential development taking place.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is CIL liable under the CIL Regulations 2010 (as amended).

The CIL (including indexation) for this development is expected to be £1,083,650.29

However, social housing relief may be claimed on the social housing element of the development.

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.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. 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

A Section 106 agreement in respect of this development was concluded under the terms of the outline planning permission

Conclusion

The application is continuing to comply with the relevant policies of the Local Development Plan in respect of the residential development of a brownfield site within settlement limits. Furthermore, the applicants have been able to demonstrate the proposals are acceptable in terms of impact on the highway network and that the proposed internal arrangements are acceptable in highway terms. The layout and general arrangement of the site are acceptable in terms of impact on the character and appearance of the area and the arrangement is acceptable within itself in terms of promoting and maintaining acceptable standards of amenity and privacy about new dwellings.

RECOMMENDATION: Grant

1. The consent hereby granted relates to the following plans:
 - Site location plan drawing no: CLAR 20-08-01
 - Site layout drawing no. CLAR 20-08-02 Rev A
 - Boundary enclosure drawing no. 20-08-04 Rev A
 - 1.8m screen wall detail drawing no. CLAR 20-08-ED01
 - 1.8m close board details drawing no. CLAR 20/08-ED02
 - 1.8m timber gate details drawing no. CLAR 20-08-ED03 Rev C
 - 1.1m railings drawing no. CLAR 20-08-ED05
 - Garages drawing no. CLAR 20-08 Rev A
 - Garage drawing no. A-436—TB Rev 2

- External materials layout drawing no. CLAR-20-08-03 Rev A
- Soft landscaping masterplan & ecological mitigation drawing no. 2079401-SBC-))-XX-DR-L-200 Rev PL04
- Detailed soft landscaping plan 1 of 2 drawing no.2079401-SBC-))-XX-DR-L-401 Rev PL04
- Detailed soft landscaping plan 2 of 2 2079401-SBC-))-XX-DR-L-402 Rev PL04.
- Tree pit & hedge details drawing no. 2079401-SBC-00-XX-DR-L-301 Rev PL01
- Topographic survey Rev A
- Engineering drawing 10278-100-01 Rev G
- Engineering drawing 10278-100-02 Rev G
- Basin section & headwall details drawing no. 10278-105-1
- Single garage drawing no. A/218/00/TB/R2/01
- Double garage drawing no. A/436/00/TB/R1/01
- 2 person 1 bed flat drawing no. CLAR 20-08-2P1B/F
- The Potter drawing no. A/769/00/AT/01 Rev F
- The Potter drawing no. A/769/00/AT/02 Rev F
- The Tailor drawing no. A/802/00/AT/01 Rev F
- The Tailor drawing no. A/802/00/TB/R1/02 Rev F
- The Thespian drawing no. A/921/00/AT/01 Rev H
- The Thespian drawing no. A/921/00/AC/01 Rev H
- The Chandler drawing no. A/951/00/AC/01 Rev H
- The Chandler drawing no. A/951/00/TB/R1/02 Rev H
- The Mason drawing no. A/1059/00/AT/01 Rev L
- The Mason drawing no. A/1059/00/TB/02 Rev L
- The Farrier drawing no. A/1165/00/AC/01 Rev C
- The Farrier drawing no. A/1165/00/TB/02 Rev C
- The Scrivener drawing no. A/1214/00/AC/01 Rev J
- The Scrivener drawing no. A/1214/00/TB/02 Rev J
- The Scrivener drawing no. A1214/00/TT/02 Rev J.
- The Cutler drawing no. A/1335/00/AC/01 Rev F
- The Cutler drawing no. A/1335/00/TB/02 Rev F
- The Bowyer drawing no. A/1356/00/AT/01 Rev H
- The Bowyer drawing no. A/1356/00/TB/02 Rev H
- The Bowyer drawing no. A/1356/00/TT/02 Rev H
- The Philosopher drawing no. A/1507/00/AT/01 Rev D
- The Philosopher drawing no. A/1507/00/TB/02 Rev D

Reason: for the avoidance of doubt as to the approved plans.

2. Prior to beneficial occupation of any property with facades highlighted in Figure 4.2 of the Noise Impact Assessment (January 2021) all glazing on habitable rooms (at first floor level) in that property must meet the minimum sound index figures detailed in Table 4.3 (Glazing Sound Reduction Index Figures) of the Noise Impact Assessment (January 2021). The measures as provided shall be retained in perpetuity.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The properties highlighted in Figure 4.2 of the Noise Impact Assessment (January 2021) shall meet the performance figures detailed in Table 4.2 (External Wall Sound Index Figures) of the Noise Impact Assessment (January 2021). The glazing supplies shall provide independent laboratory test data confirming their proposed systems (including frames / seals) meet the quoted octave band sound reduction performance figures in Table 4.3. This data shall be submitted to and approved in writing by the local planning authority prior to the occupation of any property to which the glazing relates, (highlighted in Figure 4.2) and retained as such thereafter. All other facades shall be constructed with standard thermal double glazing and trickle ventilation prior to occupation and retained as such thereafter.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Any plots highlighted in red/ yellow in Figure 4.2 of the Noise Impact Assessment (January 2021) shall not be occupied until a ventilation strategy for that plot has been submitted to and approved in writing by the Local Planning Authority. The ventilation strategy shall not rely on opening windows to achieve the 'whole building' and 'extract' ventilation rates. A mechanical ventilation with heat recovery (MVHR) shall be utilised which does not require any trickle vents in the external façade. The MVHR system on these critical plots should also allow windows to remain closed to ground floor spaces whilst maintaining required ventilation. The heating of the plots will be confirmed as part of the measures via and Early Stage Overheating Assessment tool (Good Homes Alliance, July 2019). The approved strategy shall be implemented in full prior to occupation and retained as such thereafter.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. All plots with facades highlighted in green in figure 4.2 of the noise impact assessment (January 2021) shall utilise system 3 dMEV fans to all rooms throughout the home to provide fresh air through acoustically treated trickle ventilators . These trickle ventilators shall be installed to the habitable rooms highlighted and shall achieve the performance detailed in table 4.4 of the noise impact assessment (January 2021). All mechanical ventilation must be designed to achieve the noise level details in figure 4.5 of the noise impact assessment (mechanical ventilation) . These measures shall be implemented prior to the occupation of the properties that the facades relate to and shall be retained as such thereafter.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Any property identified as needing acoustic treatment shall be subject to an assessment prior to its beneficial occupation to confirm that the measures and recommendations approved in the Noise Impact Assessment (January 2021) for that property have been fully implemented. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the property that the assessment relates to

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Date: 11th March 2021
Our Ref: 20.158

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Dear Gareth

Town and Country Planning Act 1990 (As Amended)
20/0963 Former Clariant Site, Llantrisant Road, Church Village, CF38 2SN
Letter in support of application.

Asbri Planning Ltd is appointed by Bellway Homes Ltd (Wales) in respect of the above site.

Further to last week's committee, Bellway Homes Ltd (Wales) has considered the points raised by Members in the debate, namely affordable housing provision, noise and the parking for Role Play Lane. Drainage and ecology have also been considered following additional comments regarding the layout. Also as discussed, we would like this application to be reconsidered at the 25th March Committee.

Affordable Housing

Outline planning application 18/1402 with all matters reserved except for access was resolved to be approved by RCT Committee on the 5th December 2019 subject to the completion of a Section 106 Agreement. The Heads of Terms set out in the Committee Report were as follows:

- 7% affordable housing
- Local Area of Play
- £10,000 Active Travel contribution
- Long Term Habitat Management Plan
- Employment Skills Plan

in addition to the CIL requirements which will equate to contributions of over £1m:

Outline planning permission (reference 18/1402/13) was granted on 27 May 2020 (' the Outline Planning Permission') subject to conditions including the approval of the reserved matters set out in condition 1. In accordance with S106 of the Town and Country Planning Act 1990 and in compliance with the Community Infrastructure Levy (CIL) Regulations 2010 a section 106 agreement was entered into on 21 May 2020 ('the S106 Agreement') which sets out amongst other planning obligations the affordable housing requirement for the site. The S106 Agreement required the provision of 7% affordable housing to be provided in accordance with the Third Schedule of the Section 106 Agreement. This requires the owner to construct 7% of the dwellings as affordable housing units of which 4% are to be Social Rented Units in the form of one bedroom Walk Up Flats and 3% Low-Cost Housing Units. The Low-Cost Housing Units are to be split 2% in the form of 2-bedroom houses and 1% in the form of 3-bedroom houses. The

Compliance Statement which accompanied the reserved matters application demonstrates compliance with the Outline Planning Permission and the S106 Agreement. The matter of the provision of affordable housing can only be controlled at the point of grant of planning permission, the outline planning permission in this case and the associated Section 106 Agreement. The reserved matters approval (application reference 20/0963) is limited to the approval of the appearance, landscaping and layout and scale for the residential development of 95 dwellings including associated works, roads and infrastructure and there is no legal basis for Rhondda Cynon Taff County Borough Council ('RCTCBC') in considering the reserved matters application to seek additional affordable housing over and above what is required in the Section 106 Agreement. The subsequent approval of reserved matters does not constitute the granting of a further planning permission. So, for example, in relation to conditions, any conditions relating to anything other than the reserved matters themselves should not be imposed and nothing should be imposed which materially derogates from the outline permission (see Welsh Circular 016/2014 at 5.9 and R v Newbury DC ex parte Stevens and Partridge (1992) JPL 1057). Whilst it is accepted that in some circumstances a developer and local authority may agree to vary an existing s. 106 agreement at reserved matters stage (or indeed at any stage), there can be no requirement to do so in order for a decision on the approval of reserved matters to be taken, particularly where – as here – the RCTCBC seems to be seeking to derogate from the principle of the development and the permission already granted.

Bellway Homes does empathise with Members and they are committed to delivering affordable housing, but the 7% was agreed by RCT Committee prior to Bellway Homes' involvement in the scheme and, given CIL is in force in RCT, there was less scope to negotiate other contributions on viability grounds in favour of more affordable housing during the determination of the outline consent.

It should be noted that the Outline committee report included the following discussion with regard to affordable housing -

*The provision of affordable housing would be secured through a Section 106 agreement should Members be of a mind to support the proposals, due to the constraints that the site presents in terms of dealing with contamination in particular only 7% affordable housing can be delivered on this site. **This though disappointing, has been thoroughly investigated through an independently prepared and verified viability report.***

There is no mechanism or requirement within the S106 to re-consider the viability position of the scheme, and indeed, nothing has changed with regard to the site's viability in the 15 months since the Outline application was presented to planning committee and the issue was debated by Members.

Noise

There were comments from Members in relation to noise emanating from the adjacent industrial use. Firstly, the Environmental Health Officer and Planning Officer are comfortable that the noise emanating from the industrial estate is acceptable with the mitigation proposed. The mitigation included a 3.5m acoustic barrier in the form of a fence, uprated acoustic glazing in certain properties and mechanical ventilation as appropriate. This mitigation brings noise levels down to below the British Standard guidance. Notwithstanding, Bellway Homes has now proposed increasing the height of the fence to 4m to provide further mitigation. This results in a greater reduction in noise levels again, so further below the British Standard guidance. It is noted that the objector stated that the POS was identified in this area in the outline consent, but there were still houses proposed along the western boundary in the outline consent, north and south of the proposed POS, and a buffer was identified in the outline consent in the vicinity of the tyre centre as well. Notwithstanding the above it is noted that no noise issues raised at the outline stage and at pre-app stages.

Role Play Lane Parking

Unfortunately, the Role Play Lane parking that is being referred to is unauthorised as it involves encroachment of land by the industrial estate into the Clariant site. Therefore that additional Role Play parking cannot be relied upon as it is on land not in the control of Role Play Lane or the industrial estate. Consequently, this is not a planning matter. Further, Bellway Homes are not the landowners of the Clariant site, therefore it is not in their control to resolve this matter.

Drainage

In addition, and in terms of the RM layout a number of factors influenced the layout. As the surface water outfall is in the bottom right the properties originally proposed along the southern boundary would have obstructed access to this area. The original strategy for reasons unknown showed the attenuation on the opposite side of the site to the outfall. It was also determined during the preliminary engineering review that additional space for attenuation was required therefore it was more efficient to place the POS area in the south which could accommodate all of the drainage requirements. This has been further reinforced with the confirmation of the remediated and finished floor site levels.

It should be noted that the remediated site levels have already been approved via condition which shows the attenuation basin in the south east of the site, at the lowest point, whereas the land adjacent to the industrial estate is some 8 - 10metres higher. If there were a requirement to provide a POS noise buffer adjacent to the industrial units, in addition to the required attenuation basin in the south east of the site, this would result in the loss of units (including affordables) and further issues of financial viability for the scheme.

No planning conditions were applied to the outline planning permission which required compliance with the indicative site layout and no issues were raised with the layout at the pre-application stage or throughout the determination of the RMs application requesting that we introduce a greater noise buffer to the units along the western boundary.

Ecology

The ecological mitigation and enhancements do not differ significantly between the indicative layout submitted at Outline stage and the current layout, with existing boundary vegetation to the east and south protected. The main difference relates to the southern part of the application site where the RM drainage design and size of the attenuation basin would not permit the extent of vegetation to be retained as indicated at Outline stage. In order to protect and enhance the retained and created habitats at the site, draft Wildlife Protection Plans and Habitat Management Plans have been produced as part of the RM submission (to discharge Outline conditions). These details will be submitted shortly.

The stated aims of the Habitat Management Plan are:

‘to create, manage and enhance features within the red line boundary to maintain conservation status of the SINC that falls within the red line boundary.

The following objectives will allow delivery of the management aim:

- Manage retained trees & boundary vegetation
- Maintain ecological connectivity with Llantwit Fardre SINC
- Creation of attenuation pond with specific wildflower/marshy planting
- Maintain standing deadwood where possible
- Control invasive non-native species (INNS)

- Provide specific habitat management for targeted species, including Small Blue butterfly, Marsh Fritillary Butterfly and Small bordered Fritillary Butterfly.
- Provide additional habitats for reptiles/amphibians/nesting birds/bats.
- Provide hedgehog access in residential gardens'

I trust the above is of assistance and if you require anything further then please let me know.

Yours sincerely

Pete Sulley
Director
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