



PLANNING & DEVELOPMENT COMMITTEE

23rd January 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below

APPLICATION NO: **18/1419/13 - RESIDENTIAL DEVELOPMENT OF UP TO 350 DWELLINGS LAND FOR POTENTIAL PRIMARY SCHOOL, LOCAL SHOP AND ASSOCIATED WORKS INCLUDING PUBLIC OPEN SPACE, GREEN INFRASTRUCTURE, LANDSCAPING AND THE CREATION OF TWO NEW ACCESS POINTS OFF HEOL DOWLAIS.**

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This planning application was reported the meeting of the Planning and Development Committee meeting held on 5th December 2019 with a recommendation of approval subject to conditions and the applicants entering into a Section 106 agreement. (a copy of the original report is attached as Appendix A). At that meeting, Members resolved that they were minded to refuse the planning application contrary to the recommendation of officers as they considered that –

- The application site is an unsustainable location
- The site is outside of the settlement limits as defined by the Local Development Plan and therefore contrary to policy.

Therefore, in accordance with adopted procedure, the determination of the planning application was deferred to the next appropriate meeting of the Planning and

Development Committee for a report of the Director of Prosperity and Development , if necessary in consultation with the Director of legal Services, to highlight the potential strengths and weaknesses of making a decision contrary to the recommendation of an officer or any proposed or possible planning reason for such a decision prior to determining the matter.

4. PLANNING ASSESSMENT

The considerations regarding the issues detailed above are set out in full within the original report, however, a brief summary on the issues that concern Members is provided below:

Sustainability

Planning Policy Wales 10 (PPW 10) puts placemaking at the heart of the sustainability agenda and this issue was covered in some depth in the initial report to Members on 5th December 2019. Members are reminded that PPW 10 advises that sustainable development means the process of improving the economic, social, environmental and cultural of Wales by taking action in accordance with the sustainable development principle meeting the needs of the present without compromising the ability of future generations to meet their own needs.

In considering the placemaking and sustainability issue, the proposals were evaluated at length against the requirements of PPW 10 and Local Development Plan Policies CS2 and AW2. The analysis concluded that whilst the proposed development performed reasonably against some key criteria (such as the potential to broaden facilities within the village and the provision of formal and informal public open space), there were other areas where the proposals gave a lesser response (such as public transport provision). There were also areas of uncertainty where provision of facilities though desirable could not be guaranteed (such as the provision of the school and its associated facilities or the putative increase in bus services). This approach accords with the advice contained in PPW 10 and how it should be used favouring proposals which contribute to the sustaining of, or creation of sustainable places.

In concluding on this issue, officers took an on balance view that reflected the fact that the scheme had many positive features but at the same time would not fully satisfy the placemaking/sustainability agenda. In the circumstances, with policy requirements relating to sustainability being partially met by the current planning application, the relative weight given to each aspect of the issue can be interpreted differently, though caution is advised on this point given the demonstrated lack of harm that the detailed information submitted in support of application demonstrates.

Principle of Development

As indicated in the report to Members of the Planning and Development Committee on 5th December 2019; Section 38(6) of the Planning & Compulsory Purchase Act 2004 states 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.”*

The plan in this instance is the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

The applicants have always acknowledged that the planning application site lies outside of settlement limits and that they are promoting the site based on the low housing land supply within the County Borough. This issue is addressed in detail in the 5th December 2019 report and that report dealt in detail with the housing land supply issue and the relative weight that can be associated with it. The report also makes clear the ministerial position that it is a matter for the Local Planning Authority as to how much weight should be attached the lack of a five year housing land supply. Officers in their advice to Members have given substantial weight to the housing land supply situation. Members though are perfectly entitled to disagree in respect of the weight to be given to the housing land supply issue in the decision making process, and have done so with regard to the current proposals. Members also consider that the proposal does not comply with the requirements of Local Development Plan Policies CS2 and AW2. Consequently, the proposed development would not in the view of Members, deliver the objectives of the plan, representing the development of an unallocated site in an unsustainable location.

Policy CS2 aims to protect the culture and identity of communities by focussing development within defined settlement limits and promoting the reuse of underused and previously developed land. The proposed development would if allowed take place outside of settlement limits on improved farmland and as such does not meet this policy requirement and given the issues identified around public transport would do little to prevent or reduce daily out commuting by car. However, there are aspects of Policy CS2 that the development of the site does comply with such as the requirement for a development with a sense of place that is clearly promoted through the masterplan details submitted in support of the proposals. The proposed development also represents a significant inward investment in the area though admittedly not on a site located within settlement limits. In other aspects of Policy CS2 the proposals are neutral or the policy requirements themselves have no bearing.

Policy AW2 is particularly relevant in striking a balance in this case as from the outset of the plan it was designed to provide flexibility to identify new sites should they be required over the lifetime of the plan. The first requirement of policy AW2 is that any site coming forward for consideration should be within the defined settlement boundary which this site is not. Whilst the current proposals are demonstrably compliant with AW2 in terms of compatibility with surrounding land uses, flooding and the availability of utilities, it has less strength in other areas. The argument in terms of accessibility by a range of sustainable transport options is variable given the paucity of bus services and the lack of certainty around any increased provision. It follows that access to key services and facilities and particularly employment opportunities would largely be car reliant. Whilst some day-to-day facilities are in the village or within a reasonable walking distance of the village many are not. In promoting the application, the applicants have not presented any argument to demonstrate how the proposed development would support the roles and functions of Principal Towns, Key Settlements and Small Settlements. Similarly, the applicants have not demonstrated how the proposals would support the development of the eight strategic sites identified in the plan. Indeed it might be

argued that in targeting this site the applicants are actively hindering the prospects of the nearby former Cwm Coke Works and Colliery Site.

Conclusion

The planning application has been recommended for approval subject to conditions and the completion of a Section 106 agreement as outlined in the original report, and that remains the view of officers in this matter. There is a pressing need to improve the housing land supply in the County Borough and this is clear from the Local Development Plan Annual Monitoring Report, which recognises the need to bring more development sites forward to resolve the problem. There is also a need to acknowledge that there will be a gap between the current Local Development Plan ending and a new plan being adopted which would be in the order of two years and the gap in terms of housing provision will need to be bridged. Whilst the current proposals do not meet all of the sustainability criteria required by policy it does meet many of them. It is the degree of conformity with the policy position and the lack of harm in planning terms that led officers to make a positive recommendation in respect of the planning application. However, if Members remain of a mind to reject the current proposals then the following reason for refusal is considered to reflect the concerns originally expressed.

1. The proposed development represents unjustified development located outside of the defined settlement boundaries in an unsustainable location. The proposal is therefore considered to be contrary to the requirements of policies CS2 and AW2 of the Rhondda Cynon Taf Local Development Plan and the placemaking objectives of Planning Policy Wales 10 and is unacceptable in principle.