

PLANNING & DEVELOPMENT COMMITTEE

16 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/1082/16 (DJB)
APPLICANT: Persimmon Homes West Wales
DEVELOPMENT: Reserved Matters application for Phases 3 and 4 of Parc Llanilid (submitted pursuant to outline (hybrid) planning permission 10/0845/34) to include 494no. residential units and associated infrastructure.
Amended plans and/or additional/updated information received 24/06/21 (updated application form, site layout plan (rev 'K'), landscaping plans and strategy, Thetford and 1 bed DQR unit plans); 20/07/21 (site layout plan (rev 'L') and accommodation schedule); 22/07/21 (updated urban design statement); 27/07/21 (updated Movement Plan); 03/08/21 (engineering plans and updated Noise Report); 28/09/21 (updated plans to reflect new house types); 12/10/21 (updated landscape plans); 18/11/21 (site layout plan (rev 'N')) and 23/11/21 (revised/updated engineering layout plans, landscape strategy and landscape planting plans).
LOCATION: LAND AT FORMER OPEN CAST COAL SITE AND LAND TO THE NORTH OF THE A473, LLANILID
DATE REGISTERED: 28/09/2021
ELECTORAL DIVISION: Brynna

RECOMMENDATION: Approve

REASONS: The application site constitutes part of one of the Council's Strategic Sites (Policy SSA9 refers) as identified in the Rhondda Cynon Taf Local Development Plan. This scheme represents the third (Phases 3 and 4) submission of reserved matters pursuant to the outline element of the 'hybrid' permission granted for up to 1850 new dwellings across the Llanilid site.

The principle of the development of this site for residential purposes was accepted by the Council in the granting of the hybrid application 10/0845 in January 2016.

The proposed scheme will deliver 494no. modern, high quality new homes in an area of high demand.

The proposal is considered to comply with the relevant policies of the Council's LDP as well as national planning policy and guidance.

REASON APPLICATION REPORTED TO COMMITTEE

The application seeks reserved matters approval for 10 or more dwellings and therefore is for a scale of development for which powers are not delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Wider Context and Background to the Application

In 2010 an application (10/0845) was submitted to the Council for a far larger area than the area covered by this 'second phase' of reserved matters. That 'hybrid' planning application sought a combination of both outline and full planning permission for a large scale development on a site which incorporates part of the former Llanilid Open Cast Coal Site (OCCS), together with land to the north of the A473. The whole 10/0845 site has an area of 75.35 hectares, of which approximately 50 hectares is considered to be developable.

The first phase (Phase 1 – 18/0334) reserved matters submission, for 216no. new housing units was approved by a meeting of this Committee on 21 March 2019. Site construction works on that first phase of the development are currently well underway.

The second phase (19/1081/16) reserved matters submission for 421no. new housing units was approved by a meeting of this Committee on 29 April 2021. The earthworks associated with the hybrid planning permission referred to above were commenced this year further to extensive ecology works (a 'capture and release' exercise and a 2-stage clearance of vegetation carried out under respective GCN and Dormice licences issued by NRW) with housing construction works imminent.

The current reserved matters application represents the third submission (Phases 3 and 4) of reserved matters pursuant to the granting of application 10/0845.

In total it is anticipated that the whole site will be developed in 8 residential phases, a primary school and a mixed use area (10 phases in all). In line with condition 21, as imposed on 10/0845, a revised phasing plan was submitted and approved as part of the 18/0334 submission made in respect of Phase 1. This current Phases 3 and 4 submission locationally accords with that plan in terms of the development progression of the overall site.

The current application

This application seeks reserved matters (access, appearance, landscaping, layout and scale) approval for a scheme of 494no. new dwellings together with associated infrastructure.

Members are advised that when initially received the submission proposed a layout of 510no. units. However, as a consequence of issues that became evident through the planning consultation and assessment process there was the need to reduce the number of units in order to mitigate any potentially adverse impacts, these being primarily the potential to impact on interests of ecology and biodiversity. Accordingly, the scheme layout was amended, reducing the number of properties from 510no. to 494no.

Within the 494no. units the proposed scheme proposes a mix of housing types – 1 bed apartments to terraced, semi and detached 2, 3 and 4 bed properties, comprising:

- 444no. open mix Persimmon house types (spread across 13 different house type styles/designs of 2 bed (90 units), 3 bed (262 units) and 4 bed (92 units) size); and
- 50no. Affordable Housing house types (spread across 4 different unit types – providing 1bed (18 units), 2 bed (25 units) and 3 bed (7 units) accommodation).

SITE APPRAISAL

The site the subject of this submission of reserved matters lies entirely within the much larger site, which was subject to a hybrid application 10/0845 (part full/part outline) approval in January 2016. The site identified by this current submission of reserved matters comprises the remaining greenfield land on the northern side of the A473 and lies at the north eastern quarter of the wider site defined by the 10/0845 permission.

The whole of the wider 10/0845 site had an area of just over 75 hectares (185 acres). The area of the site defined by this reserved matters submission amounts to 18.45ha (44.61 acres), with a net developable area of 11.02 hectares (27.24 acres).

Finished floor levels (FFLs) of the properties range from approx. 51m AOD (on the north western side) up to 60.3m AOD (plot 342) in the centre of the site. The majority of the site is relatively flat, but generally falls towards the north west corner and, indeed, the northern half of the site falls slightly towards the boundary with the railway line.

The entire site lies on the northern side of the A473 to the north eastern extent of the wider Llanilid outline permission (10/0845) site. The site is bounded to the south by the hedgerow running along the A473 highway verge; to the south west by the Nant Y Gofer watercourse (with phase 1 of the development beyond this); the railway line lies to the north of the site; whereas the eastern boundary is characterised by mature vegetation (heavily wooded area within the north east corner of the site) with the development known as Trens Gardens beyond and the individual properties known as Trens Farm and Ty Anedd.

Vehicular access to the development will be achieved from the west via the spine road leading from Phase 1 and from the south via a new traffic light junction on the A473.

Green habitat corridors surround the housing along the site boundaries. Hedgerows and treelines within the development site are also proposed for retention, including the hedge recently translocated from Phase 1 as part of the relevant Dormouse Licence pertaining to the phase.

PLANNING HISTORY

The planning history below refers to only the main permissions/approvals (including and following the full/outline hybrid permission 10/0845) granted and does not include every specific discharge of condition submission etc. that has been made across the whole wider site.

Reserved matters submissions (pursuant to 10/0845) have also been made in respect of the subsequent phases of development, as follows (these applications currently remain under assessment and have yet to be reported to Committee for Members consideration and determination):

- 19/1200: Phases 5/6/7/8
- 19/1258: New primary school
- 19/1299: Village centre

In addition the following discharge of condition (as imposed on 10/0845) application, relevant to Phases 3 and 4, has been submitted and is currently under consideration:

- 21/0976: Conditions 32 (management strategy for POS), 41 (protected species), 42 (wildlife protection plan), 43 (POS, green corridors/nature conservation) and 44 (tree and hedgerow management)

19/1082	(Phase 2) Reserved Matters for 421no. residential dwellings	Cond. Perm. 19/05/21
18/0334	(Phase 1) Reserved matters for 216no. new residential units.	Cond. Perm., subject to a S.106 Deed of Variation 24/04/19
10/0845:	Comprehensive development comprising residential development of up to 1850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; Class B1 office/commercial floorspace; new drainage services, transport and highways infrastructure, strategic landscape areas and public open space.	Cond Perm, subject to a S.106 28/01/16

PUBLICITY

The application has been advertised by means of direct neighbour notification letters, site notices and the insertion of a press notice.

No third party representations (letters/emails – either in support or objection) have been received in respect of the application.

CONSULTATION

Initially highway objections were raised to the application. However, following the receipt of revised plans it is now confirmed (in further observations dated 08/12/21) that **no objections** are raised to the proposed development, subject to conditions.

Within their consultation response the Transportation Section make comments are made in respect of issues of:

- Site location and the application red line boundary;
- Internal estate roads; • Levels of parking provision;
- Phasing Plan;
- Travel Plans and Safe Routes in Communities; and,
- Commuted Sums.

It is also noted that the Highway Authority will require the Developer to enter into legally binding agreements (S38 and S278 of Highways Act 1980) to secure the proper design and implementation of the proposed works to the existing highway and the internal roads, footways and highway drainage including an appropriate bond. In addition, the Highway Authority will require the developer to undertake Statutory Consultations in respect of any Traffic Orders associated with the proposed development including the implementation of such orders granted

Natural Resources Wales (NRW) – NRW continue to have concerns with regard to the application as submitted on the grounds that inadequate information has been submitted regarding European protected species. Notwithstanding this, the information requested by NRW has already been submitted by the applicant under the relevant Discharge of Condition application which is currently under consideration (21/0976: Conditions 32 (management strategy for POS), 41 (protected species), 42 (wildlife protection plan), 43 (POS, green corridors/nature conservation) and 44 (tree and hedgerow management). As per Phase 2 of this development site, the discharge of these conditions is required before development can be started on site.

It should be noted that a Dormouse Licence was recently granted by NRW to enable the removal of vegetation to facilitate the access into Phases 3 and 4 from the A473. This licence was predicated, in part, on NRW's acceptance of the conservation strategy for the wider development site. Indeed, a further Dormouse Licence will also be required from NRW before any further vegetation can be cleared from this site.

Health & Safety Executive (HSE) – the proposed development lies within the consultation distance of a high-pressure natural gas pipeline (ref. 1556: Nantgarw/Brynnna (VS014) – which is currently operated by Wales & West Utilities.

HSE have confirmed that they are aware that that this pipeline was laid in thick-walled pipe in the vicinity of the proposed development site. As a result of the additional protection which the thick-walled pipe provides, the consultation distances which apply in this area are smaller than those which apply to the rest of the pipeline. However, reduced consultation zones associated with thick-walled sections of pipeline are not currently included in the HSE Planning Advice Web App, so HSE's original (15/10/19) advice was determined using the consultation zone distances which apply to the full length of the pipeline.

The reduced consultation zone distances which apply have now been taken into account in reconsidering HSE's advice. Consequently, HSE **does not advise, on safety grounds, against the granting of planning permission.**

Dwr Cymru/Welsh Water – raise **no objection** to the application, subject to the imposition of conditions.

The domestic foul flows proposed by this development can be accommodated within the public sewerage system via the dedicated 500mm combined sewer at manhole SS97818801, as indicated on the extract of public sewer records. This connection point has been identified as an appropriate location to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Notwithstanding the above, please note the applicant has not gained approval under Section 104 of the Water Industry Act 1991 for the full development of Phase 2 (in relation to the adoption of new sewers to serve the site), and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this process.

Investigations have previously been undertaken in relation to the capacity to provide a potable water supply to this development. Any increased demand on the local system would adversely affect our service to existing and future customers and as a consequence reinforcement works to the system, which shall be secured and implemented via appropriate planning conditions set out below, are required in advance of the first occupation at the site. The Applicant has since been advised of this position and we are proactively engaged to ensure that the works are delivered in accordance with the proposed build out of the site.

Public Health & Protection – raise **no objections** to the application.

However, it is noted that records suggest that potentially contaminated past land uses have resulted in spoil/refuse on the site and accordingly it is considered that the potential for contamination exists. Accordingly relevant conditions to address this issue are recommended.

Comments are also offered in respect of noise, demolition, dust, disposal of waste and lighting.

Countryside Section (Landscape & Ecology) – No response to date.

Flood Risk Management Section (Drainage) – **no objections** have been raised.

The Coal Authority – **no objection** is raised.

Glamorgan Gwent Archaeological Trust Ltd – **no objections** are raised.

Western Power Distribution – raise **no objection**. Request that the applicant is advised that if they require a new connection or a service alteration, they will need to make a separate application to WPD.

Wales & West Utilities – raise **no objection**. Provide information as to the location of existing W&WU apparatus and advise that the applicant contact them prior to any works commencing.

South Wales Police (Designing Out Crime Officer) – raises **no objection** to the application. Further comment indicates satisfaction with the proposed layout, with all vehicle parking bays within curtilage and/or overlooked. In addition advice is offered in respect of issues of lighting, boundary identification, landscaping/planting, vehicle parking, garage security, bin and cycle stores, window/door security and intruder alarm systems.

(Note: a full copy of the comments received has been provided to the applicant for their information/action)

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 – confirms that in respect of development in the Southern Strategy Area the emphasis will be on sustainable growth that benefits the County Borough as a whole. Key criteria that will be considered in seeking to achieve this aim are identified.

Policy CS3 - in order to promote sustainable growth this policy allocates a number of specific 'Strategic Sites' across the County Borough for the development of a mixture of large scale residential, employment, retail and recreational purposes (Former OCC Site, Llanilid, Llanharan is identified as site no. 8 (Policy SSA9)).

Policy CS4 – sets down the requirement for the development of new dwellings within the County Borough during the LDP plan period. Of the 5,000-5,450 units identified to be provided across the Strategic Sites the Llanilid site should provide 1,950-2,100. *(Note for Members: 248 dwellings have already been approved, as 'enabling development', on a different part of the Llanilid site under ref: 06/1485 (outline) and ref: 07/2152 (reserved matters). Hence the reason that the hybrid (part outline/part full) application sought to gain permission for the balance of 1,850 dwellings).*

Policy CS5 – confirms the need for the housing requirements identified in Policy CS4 to contribute to the provision of affordable housing over the plan period.

Policy AW4 – confirms that the Council may seek planning obligation contributions in association with new development.

Policy AW6 - supports development that promotes high quality design which makes a positive contribution to place making.

Policy AW7 - seeks to protect and enhance the built environment.

Policy AW8 - seeks to protect and enhance the natural environment.

Policy AW10 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity (identified issues include air pollution, light pollution, noise pollution, water pollution, contamination, landfill gas, land instability and flooding or any other identified risk to the environment, local amenity and public health or safety).

Policy SSA6 - identifies criteria for new development in the key settlement of Llanharan.

(Supporting paragraph 6.125 states “Through the identified Strategic Site at Llanilid, which includes large-scale residential and commercial proposals, Llanharan will continue to experience significant new development. The Council recognises that new development must be supported by appropriate local services and infrastructure in order to meet the needs of the existing and future community.”)

Policy SSA9 - allocates the site (as a Strategic Site, as identified under Policy CS3) for the residential development of between 1,950-2,100 dwellings, together with provision of 2500sq.m. (net) of retail floor space, a medical centre, library/community centre, a new primary school and associated public open space.

Policy SSA11 – identifies the need for new residential development to achieve satisfactory levels of build density. (Justification has to be provided for a build density of <35 dwellings per hectare).

Policy SSA12 – identifies the need for new developments of 5 dwellings or more to provide 20% affordable housing.

Supplementary Planning Guidance (SPG)

Rhondda Cynon Taf LDP SPG – Design and Placemaking (March 2011)

Rhondda Cynon Taf LDP SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011)

Rhondda Cynon Taf LDP SPG – The Historic Built Environment (March 2011)

Rhondda Cynon Taf LDP SPG – Nature Conservation (March 2011)

Rhondda Cynon Taf LDP SPG – Affordable Housing (March 2011)

Rhondda Cynon Taf LDP SPG – Planning Obligations (December 2014)

Rhondda Cynon Taf LDP SPG – Employment and Skills (June 2015)

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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040).

PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth
- Policy 3 – Supporting Urban Growth
- Policy 7 – Delivering Affordable Homes
- Policy 9 - Resilient Ecological Networks and Green Infrastructure

Planning Policy Wales Technical Advice Notes (TANs):-

TAN 2: Planning and Affordable Housing (2006)

TAN 5: Nature Conservation and Planning (2009)

TAN 11: Noise (1997)

TAN 12 Design (2016)

TAN 15: Development & Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transportation (2007)

Government Circulars

Welsh Government Circular 016/2014: The use of Planning Conditions for Development Management

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 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.

Principle of the proposed development

This application is a submission of reserved matter details, which represent the third phase of residential development at the Llanilid site that benefits from an outline permission for up to 1850 new dwellings.

It should be recognised that the principle of residential development has already been established, by the Council's granting of the hybrid application 10/0845 in January 2016. The consideration of this application relates to the details submitted pursuant to the outline element of that permission.

The reserved matters scheme proposed

The proposed development layout incorporates 494no. new dwellings.

All plots will be Persimmon house types (no Charles Church house types proposed within these two phases), within which 50 plots (nos. 30-35, 83-94, 116, 117, 249, 250, 253, 254, 255-266, 273, 274, 412-417 and 494) will comprise the units of affordable housing. The 444no. open mix Persimmon house types are spread across 13 different house type styles/designs of 2 bed (90 units), 3 bed (262 units) and 4 bed (92 units) houses. The 50no. Affordable Housing house types (spread across 4 different unit types – providing 1bed (18 units), 2 bed (25 units) and 3 bed (7 units) accommodation).

In respect of external finishes the proposed dwellings across the development will incorporate the use of 'Hovingham, Anston or Cusworth Riven' Persimmon brick and slate/natural natural colour 'Fortcrete Pentstone' or grey reconstituted stonework and Marley Modern Duo smooth grey roof tiles.

A Local Equipped Area for Play (LEAP) is proposed within the centre of the site. It is proposed that the delivery (including the timing of the delivery) of this LEAP facility be controlled through the imposition of a condition, as was the case with the LEAP within Phases 1 and 2 (18/0334 and 19/1081 respectively).

Condition 25, as imposed on 10/0845 requires an urban design statement to accompany each reserved matters submission and within the document demonstrate how the design complies with the DAS and Design Codes documents considered at the outline stage (10/0845). The Urban Design Statement submitted with this application has been appropriately updated (now rev 'A', July 2021) to reflect the revisions made to the scheme during the course of its assessment process.

The 2011 Design Codes document identified that the aspirations were to deliver clear design guidance for the planning of the Parc Llanilid scheme in order to achieve legible and coherent development within clearly defined parameters.

The main aims of the 2011 Design Code are:

- establish a clear framework for future development when implementing the vision for the site;
- be the starting point for dialogue and interaction between housing developers and the Council;
- illustrate what is anticipated in each of the identified character areas without prejudicing innovation and adapting to changing needs and available technologies;
- ensure coordination between each of the housing developers and character areas, providing a level of certainty as to the quality, legibility and character of adjacent development;
- provide a level of confidence between all parties engaged in this large urban extension;
- inspire housing developers to innovate and look for solutions towards delivery of an exemplary development.

The 2011 Design Code identified the area covered by the current reserved matters submission as comprising both 'Middle Village' 'Park Edge' and 'Village Edge' character areas. The Middle Village areas were identified, as the name would suggest, as delivering a more urban, tighter knit grain neighbourhood environment, with the use of key buildings at nodes and vistas, generally on the corners of perimeter blocks; The Park Edge generally fronts onto more formal open spaces with housing with strong unifying elements and key buildings identified at nodes and vistas generally on the corners of perimeter blocks; whilst the Village Edge character area would deliver a medium and course grain development with a higher proportion of detached dwellings than the other character areas.

The area of the current reserved matters submission is identified in the 2011 Design Code as 'Parcel 3'. It is considered that the submitted Urban Design Statement is in broad compliance with the aims and objectives of the 2010 DAS and 2011 Design Code.

It is considered that the proposed design and layout of Phases 3 and 4 complies with policies AW5 and AW6 of the LDP and the broad principles established under the outline element of permission 10/0845.

Highways/access/parking

As noted earlier in this report vehicular access to the development will be achieved from both the existing spine road leading from Phase 1 of the development and from the south directly from the A473 Trunk Road (via a traffic light junction) – effectively providing a loop. Eventually, this junction will enable pedestrians and vehicles to cross the A473 and connect to the Spine Road previously approved as part of the hybrid planning permission (providing access to the proposed District Centre, School and remaining residential phases).

Within the phase of development currently under consideration, a bus loop with associated bus stop facilities is provided leading from Phase 1 to the west, travelling eastward to plot 464, turning northward to plot 435, eastward to the proposed LEAP,

southward to 95-100 before existing the site at the aforementioned traffic light junction at the A473. The associated bus stop facilities are provided between plots 29 and 30-35 and at the LEAP in the centre of the site.

Generally, it is envisaged that the spine road will be built in full prior to the occupation of any dwellings on this phase of the development. Thereafter, the sequence of the build will generally follow a west to east direction. This will enable the spine road and bus facilities to be provided early on in the development.

Amendments have been made to the layout further to input from the Highways Officer in his comments dated 11 November 2021 pertaining to matters such as junction geometry along the proposed bus route, junction plateaus, provision of bin storage areas, private drive geometry, level of off-street parking, visitor parking and the phasing of the development. It is considered that the latest layout has adequately addressed the concerns of the highways department.

It should also be noted that the matters relating to the phasing of the build and the provision of a travel plan will be provided separately as part of discharge of conditions applications pertaining to conditions 22 and 33 (respectively) of the hybrid planning permission (10/0845).

Impact on residential amenity and character of the area

The proposed development comprises the third phase (494 dwellings) of a much larger site (for up to 1850 new dwellings) which has the benefit of outline planning permission and allocation as a Strategic Site (SSA9) within the Council's LDP.

It is accepted that the character of this site and the wider Llanilid site will change. However, this impact and consequence was fully and properly considered at the outline stage (under 10/0845), meaning the principle of residential development on this site is established.

For a significant size development the Phases 3 and 4 site is relatively separated from existing development, only having existing housing standing to the west at Phase 1 of the development and to the east at Trenos Gardens/Trenos Place as well as the individual properties at Trenos Isaf, Trenos Ganol and Ty Annedd. A significant gap will be maintained between the proposed and existing dwellings respecting the established acceptable back to back and back to side distances. It should also be noted that the eastern boundary of the site is characterised by a line of mature vegetation – growing increasingly thick in the vicinity of Trenos Gardens and Trenos Place. The indications below demonstrate the separation distances at points between proposed and existing properties to the eastern boundary of the site:

- Plot 151 to Trenos Isaf – 30m
- Plot 216 to Ty Annedd – 22m (mature boundary vegetation)
- Plot 218/219 to 37 Trenos Gardens – 25m (mature boundary vegetation)
- Plot 251 to 25 Trenos Gardens 32m (mature boundary vegetation)

It is considered that with such distances of separation there will be no significant impacts on the level of residential amenity currently enjoyed by existing residents within the existing developments referenced above.

Accordingly, it is therefore considered that the proposal will comply with Policy AW5 of the Council's LDP.

Trees/Hedgerows and Ecology/Biodiversity

On 23 October 2019 Welsh Government's Chief Planner wrote to all LPA Heads of Planning advising that Planning Policy Wales (PPW) 10 (since superseded by Edition 11 – February 2021) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*". This policy and subsequent policies in PPW respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The letter clarified that in light of the legislation and Welsh Government policy outlined above, where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

It is important that biodiversity and ecosystem resilience considerations are taken into account at an early stage in development plan preparation and when proposing or considering development proposals. Planning authorities should be proactive and embed appropriate policies into local development plans to protect against biodiversity loss and secure enhancement.

Securing a net benefit for biodiversity within the context of PPW requires a pragmatic response to the specific circumstances of the site. Working through the step wise approach and if biodiversity loss cannot be completely avoided (i.e. maintained), and has been minimised, it is useful to think of net benefit as a concept to both compensate for loss and look for and secure enhancement opportunities.

At the 10/0845 hybrid (part full/part outline) planning consideration stage issues of ecological species and landscape/habitat importance at the site were identified by Countryside Council for Wales (CCW) (now NRW) and the Council's Ecologist. Through the current assessment of this reserved matters submission those issues and interests and the need to ensure full and proper mitigation is secured, have again been highlighted.

In the case of Phases 3 and 4 there are significant European Protected Species (EPS) and habitat issues to address, primarily related to the presence of Dormice and Bats.

The applicant has been required to secure the necessary EPS Licence from NRW to be able to undertake the access into the site from the A473. That Licence was granted in respect of Dormice was issued by NRW on 22 October 2021 and remained in force until 31 October 2021 – the works to remove the vegetation were carried out within

this short timeframe as agreed. A further EPS Licence will be required before any further vegetation is removed from this site – an appropriate licence application will be submitted to NRW upon approval of this reserved matters submission.

In addition to securing that EPS Licence the applicant has also lodged a discharge of condition application ref 21/0976 seeking to discharge Conditions 32 (management strategy for POS); 41 (protected species); 42 (wildlife protection plan); 43 (POS, green corridors/nature conservation) and 44 (tree and hedgerow management). These conditions were imposed on 10/0845 which will need to be agreed before works on this phase of residential development can proceed.

It is noted that NRW still retain significant concerns, although these are being addressed through the aforementioned discharge of condition application. Notwithstanding this, it is reasonable to require that any consent should reference the relevant landscape strategy and planting plans/documents within a condition identifying the approved plans and documents on the decision notice. Members are advised that such a condition is recommended (as condition 1).

Provision of Affordable Housing

At the time the hybrid application (10/0845) was considered the Council, having regard to a report produced by the applicant outlining site development viability and affordability issues, agreed an affordable housing provision of 10% for the first 1000 dwellings to be developed across the site (*After the 1000th dwelling the S.106 requires that a further market assessment is undertaken to establish whether the development can support the 20% provision requirement as identified in the LDP*). To this end, subsequent phases on this site (phases 5, 6, 7, 8 and the mixed use area) will have regard to this requirement.

The layout incorporates the provision of 50no. Affordable Housing house types spread across 4 different unit types – providing 1bed (18 units), 2 bed (25 units) and 3 bed (7 units) accommodation.

The mix of the affordable housing units proposed reflects the demands identified through the Local Housing Market Assessment and the mix of unit size/types sought by the Council's Housing Strategy team. Accordingly, given that the mix of units is as the Council has sought and the required 10% is incorporated it is considered the application is acceptable in this regard.

Other Matters

Railway Crossing

The Railway Crossing is in the process of being designed by Network Rail. The latest layout plan provides an annotation setting out the location of the proposed crossing. It is appropriate as part of any Reserved Matters permission that the design details of any infrastructure is first agreed by the Authority by way of a suitably worded planning condition prior to its installation.

Drainage/Flood Risk

In respect of drainage arrangements proposed to serve the development no objections have been raised by the Council's Flood Risk Management (FRM) Section. DCWW have also raised no objection to the application, subject to the imposition of conditions, with which the applicant is agreeable.

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 liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL for this development is expected to be £5,187,581.27 however, social housing relief may be claimed on those 50 dwellings that comprise the affordable housing element of the development.

(The social housing relief on the 50 AH dwellings is expected to be £350,631.71. This leaves a payment of £4,836,949.56 in respect of the market dwellings).

(It should be noted 15% of the £4,836,949.56 chargeable amount for the market housing must be passed to the Community Council (In this case Llanharan Community Council) (Regulation 59A – duty to pass to local council) and therefore £725,542.43 will be required to be paid in cash. Accordingly, the market housing balance of £4,111,407.13 will then be taken from the Infrastructure Payment Agreement total/balance, as agreed as part of the approval of the Phase 1 reserved matters 18/0334 (together with a S.106 Deed of Variation) until the total Infrastructure Payment Agreement balance is £0. Payments will then be in cash).

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:

- i) necessary to make the development acceptable in planning terms;
- ii) directly related to the development; and,
- iii) fairly and reasonably related in scale and kind to the development.

Planning Policy Wales advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also

contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 and IPA requirements in this case

As indicated earlier in this report the Section 106 Agreement which accompanied the hybrid permission (10/0845) ensured that the whole Llanilid development (up to 1850 new dwellings, with village centre) delivered the following elements:

- the provision of a new primary school;
- a leisure/recreation and ecology biodiversity contribution;
- the provision of affordable housing across the site;
- a 'Local Road Contribution' (£170k) for Bridgend CBC;
- a 'Rail Contribution' (£350k - for works to establish a bridged crossing over the main London – Swansea railway line that runs immediately to the north of the boundary of the site) for Network Rail
- the provision of the village/district centre;
- landscape management;
- provision of the Community Building; and,
- the provision of Changing Rooms.

The S.106 Deed of Variation agreed prior to the issue of the Phase 1 reserved matters approval (18/0334) recognised that it is now intended that the developer (Persimmon) build the school provision, unlike the previously proposed arrangement (when the applicant was Cofton (Wales) Ltd) that a financial sum of £5,784,092 (paid as a CIL contribution) be paid at the outset and the Council be responsible for building the school.

(As Members may well be aware the Council have already taken the initial steps in respect of formal consultation and served the necessary statutory notice (giving opportunity for objection to be made) with regard to the proposed new school provision).

Persimmon have indicated that they would intend to build the school provision in a single 540 pupil place build phase, unlike previously when the provision was anticipated to come forward in two phases of construction.

The other elements of provision required (as identified above) remain as set out in the initial S.106 Agreement.

Conclusion

Having taken into account all of the issues identified above, it is considered that the proposed second phase of development of this important wider residential allocation site, will make an important contribution to increasing housing land supply, in an area of high demand, without having any significant adverse impact on highway safety, the character and appearance of the area or residential amenity. Whilst some concerns have been expressed regarding interests of ecology it is considered that the proposed measures of mitigation (which extend across the wider Parc Llanilid site) negate any impacts to a level which is not significant. The proposed development is therefore considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance within the following approved plans/drawings/documents:

- Site Location Plan LP01
- Planning Layout PL01 Rev N
- Engineering Plans –
- Landscaping Strategy
- Landscape Planting
- Housetype Plans and Elevations:
 - 1 bed DQR Affordable Apartment
 - AP01 Rev A
 - AP02 Rev A
 - AP03 Rev A
 - Thetford Apartment
 - Staircore SCWD11 Rev A
 - Thetford and Staircore Block (Stone Front) TFWD14 Rev A
 - Thetford and Staircore Block (Brick) TFWD13 Rev A
 - Thetford and Planning Elevations (Stone Front) TFWD12 Rev A
 - Thetford and Staircore Block (Brick) TFWD11 Rev A
- Alnmouth AMWD11 Rev A
- Barton BRWD06 Rev A
- Epping EPWD11
- Danbury DYWD11 Rev A
- Dalby DBWD11
- Sherwood
 - Brick – SWWD11
 - Stone Front – SWWD13
- Windermere WMWD08 Rev A
- Charnwood

- Brick CWWD11
- Corner (Brick) CWWDC11
- Corner (Stone) CWWDC12
- Saunton
 - Brick SNWD11 Rev A
 - Stone Frost SNWD12 Rev A
- Gisburn
 - Brick GBWD11
 - Stone Front GBWD12
- Whiteleaf
 - Brick WLWD11
 - Stone Front WLWD13
 - Full Stone WLWD12
- Garages (single and double garage)
- Boundary Treatment Details (BT-00Rev A, Close Board Fence, Close Board Gate)
- Phasing Plan PHNAB01 Rev B
- Urban Design Statement (Rev A, July 2021)
- Tree Survey and Tree Constraints Plan (Treescene, September 2018)
- Noise Report (TetraTech,(Second Issue 28th July 2021)

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: In order to define the extent by the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

2. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. A Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers'

Association (LARSOA) guidelines/Learner Travel and Active Travel Wales (Guidance) 2014, to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and national planning policy.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. The Local Equipped Area Play (LEAP) shall be laid out and landscaped and made available for use within a timetable to be first agreed in writing with the Local Planning Authority. The LEAP shall thereafter be maintained in accordance with a Management Plan which shall be submitted to and approved in writing by the Local Planning Authority within one month following beneficial occupation of the first dwelling within the development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Full details of the proposed landscape and open space management regime and Estate Management Company (including timescales for future management) shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the first dwelling within the development hereby approved.

Reason: In the interests of ecology and maintaining ecology in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be fully implemented on site in accordance with the approved details and to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site and where necessary, a scheme to re-enforce the existing public water supply network in order to accommodate the site shall be delivered prior to the first beneficial occupation of any building. The agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure that the site can be satisfactorily served by the local water supply system and to ensure no detriment to existing residents and/or the environment, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No part of the development affecting the PRoW (RAN/20/1 & RAN 21/1) shall take place until the PRoW is/are formally stopped up or diverted.

Reason: In the interest of public safety.

10. Prior to its installation the design of the proposed railway crossing (located to the north of plots 281-286) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved details and retained as such in perpetuity.

Reason: in the interest of the visual amenities of the area.

11. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing.

a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No

deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition (11 above) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of, the internal roads, traffic calming, footpath links, highway structures, street lighting, and highway drainage including longitudinal and cross sections and construction details have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering to the satisfaction of the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

15. No works shall commence on site until a geotechnical report incorporating any mitigation measures required to deal with ground conditions, mine workings and mine shafts affected by the proposed road layout have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation of the first dwelling.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety, having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.