

PLANNING & DEVELOPMENT COMMITTEE

14 December 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0641/38 (MF)
APPLICANT: Persimmon Homes West Wales
DEVELOPMENT: Discharge of condition 34 (Sustainable Development Strategy) of 10/0845/34 (insofar that it relates to Phases 3 and 4).
LOCATION: LAND AT FORMER OPEN CAST COAL SITE AND LAND TO THE NORTH OF THE A473, LLANILID (PHASE 3 & 4)
DATE REGISTERED: 19/06/2023
ELECTORAL DIVISION: Brynna and Llanharan

RECOMMENDATION: Approve and discharge the pre-commencement elements of condition 34 (insofar that it relates to Phases 3 and 4 of the wider development).

REASONS: The Sustainable Development Strategy report details the sustainability credentials of the proposed residential development in line with both local and national planning policy guidance. It outlines the design ethos and sustainable development aspirations of the development and sets out that the vision for the scheme is one which embodies good design principles, reflecting the local character of the area, and which seeks to embed core principles of energy and resource conservation, water management and sustainable transport into the foundations of the scheme.

The Report does factor in the sustainability benefits of the proposed Llanharan bypass which, to date, has not been brought forward, however, the recent Welsh Government Roads Review has effectively put a stop to all new road schemes in Wales taking any decision to bring the bypass forward out of the Council's hands at this time. It is therefore considered that it would be unreasonable to delay the discharge of the condition on this basis alone, especially when the rest of the Report is appropriate and acceptable; and with the general sustainability of the site having long been established as acceptable through the granting of both the original outline and subsequent reserved matters approvals.

It is therefore considered the Sustainable Development Strategy report generally demonstrates compliance with the requirements of Condition 34 and subsequently, the pre-commencement elements of condition 34 can be discharged (insofar that it relates to Phases 3 and 4 of the wider development).

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from local Ward Member, Councillor David Evans, so that Committee can consider the content of the Sustainable Development Strategy report.

APPLICATION DETAILS

This application seeks the discharge of condition 34 attached to planning permission ref. 10/0845/34, insofar that it relates to Phases 3 and 4 of the wider comprehensive development at Llanilid.

In 2010 a planning application (10/0845/34) was submitted to the Council for redevelopment of the former Open Cast Coal Site, Llanilid together with land to the north of the A473. The application sought both outline and full planning permission for a large scale, phased development comprising residential development of up to 1,850 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; B1 office/commercial floorspace; new drainage, services, transport and highways infrastructure, strategic landscape areas and public open space. The application was approved on 28/01/2016.

Condition 34 of that consent requires the developer to submit to the Local Planning Authority (LPA) for approval, prior to any development commencing on any particular phase of development, a Sustainable Development Strategy (SDS) report in respect of that phase. The objective of the condition is to demonstrate that appropriate sustainable design principles have been adopted and implemented by the developer. Specially condition 34 states:

“34. No development comprising the erection of residential and/or commercial development (buildings) shall commence in respect of any phase (or part thereof) (as approved pursuant to condition 20), the subject of the particular reserved matters submission pursuant to condition 16, before a Sustainable Development Strategy (SDS) report has been submitted to and approved in writing by the Local Planning Authority, in respect of either that phase or the whole development. The SDS report shall have regard to matters of energy efficiency and the efficient use of other resources and seek to minimise the use of non-renewable resources and minimise the generation of waste and pollution, where practically possible and viable; the conclusions of the report shall be implemented in full within the development.

Reason: In order to secure accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.”

Pursuant to condition 34, an SDS has been submitted to the LPA for approval in respect of Phases 3 and 4 of the wider development at Llanilid. Members are advised that condition 34 has already been discharged in respect of Phases 1 (05/03/20) and 2 (30/11/21) of the wider development and that further discharge of condition applications would have to be submitted in respect of any future phases of development that may come forward.

The SDS submitted is a comprehensive document that identifies how outline design proposals for the site have sought to address key issues of sustainable development. It has been structured to address the core themes and policies within both the LDP and national planning policy relevant to sustainable development. The Report is split into the following sections which each providing an in-depth assessment of the scheme in those respects:

- High Quality Design, including Inclusive Design, Place Setting and Heritage.
- Resource Conservation, including Landscape and Biodiversity.
- Flood Risk and Water Resource Management.
- Transport, Connectivity and Accessibility.
- Energy Strategy.
- Waste and Pollution Minimisation.

SITE APPRAISAL

A full site appraisal was carried out at the time the existing planning permission was determined and it is considered that there are no changes that are relevant to this proposed discharge of condition application.

PLANNING HISTORY

The site is subject to a substantial planning history, much of which relates to the discharge of conditions attached to the original hybrid planning permission and subsequent reserved matters approvals and non-material amendments to the same (several of which are currently being considered). There is also a substantial planning history in respect of the former open cast coal site use. As such, only the previous planning applications that are considered relevant to this development, the main permissions since the granting of the hybrid planning permission for redevelopment of the site and the earlier discharge of condition 34 applications, are detailed below:

21/1258/38 – Discharge of condition 34 (Sustainable Development Strategy) of 10/0845/34 (insofar that it relates to Phase 2 of the development)
Decision: Granted, 30/11/2021

19/1258/16 – Reserved Matters application for new primary school and associated infrastructure including access and landscaping (submitted pursuant to outline (hybrid) planning permission 10/0845/34).

Decision: Granted 23/11/23

19/1082/16 – Reserved Matters application for Phases 3 and 4 of Parc Llanilid (submitted pursuant to outline (hybrid) planning permission 10/0845/34) to include 494 no. residential units and associated infrastructure.

Decision: Granted 22/12/21

19/1081/16 – Reserved Matters application for Phase 2 of Parc Llanilid (10/0845/34) to include 421 no. residential units and associated infrastructure.

Decision: Granted 19/05/21

19/0646/38 – Discharge of conditions 33 (Travel Plan) and 34 (Sustainable Development Strategy) of previous planning application 10/0845/34.

Decision: Granted, 05/03/20

18/0334/16 – Reserved Matters application for 1st phase of Parc Llanilid (10/0845/34) to include 216 residential dwellings and associated landscaping, re-profiling, access and highway works and subsequent discharge of conditions (16, 20, 21, 25, 26, 31, 35, 36, 37, 48 as imposed on 10/0845/34).

Decision: Granted 24/04/19

10/0845/34 – Comprehensive phased development comprising: residential development of up to 1,850 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; B1 office/commercial floorspace; new drainage, services, transport and highways infrastructure, strategic landscape areas and public open space (all matters reserved). Full details for new spine road and access onto A473, drainage infrastructure and the creation of development plateaus to serve the first phase of the development.

Decision: Granted 28/01/16

Reserved matters submissions (pursuant to 10/0845/34) have also been made in respect of the subsequent phases of development as follows, however these applications currently remain under assessment and are yet to be reported to Committee for Members consideration and determination:

19/1200/16 – Reserved matters application for the erection of 607 dwellings, associated infrastructure (Phases 5, 6, 7 and 8).

19/1299/16 – Development of the Parc Llanilid mixed use area comprising A1, A2, A3 and D1 uses, a community building, a neighbourhood equipped area of play, 30 no. dwellings, 20 no. affordable flats and associated infrastructure.

PUBLICITY & CONSULTATION

None undertaken. Members of the public are not required to be consulted on the discharge of conditions attached to existing planning permissions; and as the condition relates solely to planning policy matters, it is not considered the views of any statutory consultees are required.

It is noted however that both local Ward Member, Councillor David Evans, and Llanharan Community Council (LCC) have commented that they would object to the discharge of the condition if the proposed Llanharan Bypass and associated works are not first brought forward. This is because elements of the SDS set out that the proposed bypass road and associated pedestrian and cycle links would help improve the wider Llanilid development's overall sustainability, and without the proposed infrastructure facilities, both the Local Member and LLC consider the SDS would be invalid.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary at Llanilid and forms an element of the wider strategic site at the former OCCS, Llanilid which is allocated for the construction of between 1950 – 2100 dwellings, 2500m² net retail floor space, a medical centre, library / community facility, a new primary school and associated public open space (Policy SSA9 refers).

Policy CS2 – sets out criteria for development in the Southern Strategy Area.

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. The former OCCS, 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 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.

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 CS8 – identifies the implementation of a strategic transport corridor management system in 3 strategic corridor areas, including the A4119/A473 Corridor.

Policy AW1 – identifies the requirement for the provision of 14,385 new dwellings within Rhondda Cynon Taf within the plan period. It is confirmed that this will be met, in part, (1.) by the allocations of the LDP.

Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

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

Policy AW6 – requires development to involve a high standard of design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – identifies that proposals which impact upon sites of architectural or historic merit or public rights of way will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA6 – sets out the criteria for development in the Key Settlement of Llanharan. Supporting paragraph 6.127 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 development of between 1950 – 2100 dwellings, together with provision of 2500m² 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.

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

Policy SSA15 – in accordance with Policy CS7 land is allocated at the Llanilid Strategic Site for 2,500sq.m. (net) of retail development floor space.

Policy SSA18 – identifies that in addition to the highway schemes identified under Policy CS8 land will be safeguarded and provision made for the development of the strategic highway network in the Southern Strategy Area, including (as no.1) the A473 Llanharan Bypass.

Supplementary Planning Guidance

- Design and Placemaking
- Affordable Housing
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking Requirements

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 in 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, although it should form the basis of all decisions.

It is considered the SDS 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 SDS 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 and Regeneration – Strategic Placemaking
- Policy 3 – Supporting Urban Growth and Regeneration
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

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.

Discharge of Condition 24 (Sustainable Development Strategy), insofar that it relates to Phases 3 and 4 of the wider development at Llanilid.

As set out above, the application site is located inside of the settlement boundary at Llanilid and forms an element of the wider strategic site at the former OCCS which is allocated for the construction of between 1950 – 2100 dwellings, 2500m² net retail floor space, a medical centre, library / community facility, a new primary school and associated public open space (Policy SSA9 refers).

Both the principle and detail of the residential development at these particular phases has already been established through granting of the original outline (10/0845/34) and subsequent reserved matters (19/1082/16 – Phases 3 and 4) consents; the sustainability of the development being a key factor in those decisions, and being considered acceptable.

Therefore, the overarching question of *'whether this development / site is sustainable or not'* has already been addressed, with the original allocation and subsequent planning permissions clearly highlighting that it is. The purpose of this condition is to instead seek to ensure that appropriate design principles have been adopted to address sustainability.

In response to the condition the SDS submitted outlines how the current masterplan for the scheme addresses the relevant policies of the LDP and national guidance, specifically setting out that a high-quality design has been realised which will result in a healthy, inclusive and cohesive community. It is therefore considered the Report is sufficient to demonstrate compliance with the requirements of the condition and that the pre-commencement elements of the condition can be discharged. A brief overview of how this conclusion was found is set out below:

The Report identifies that the site is located to optimise access to the surrounding pedestrian and cycle networks, public transport, local amenities, and the facilities at the nearby town and city centres. The different phases of development would be connected through separated and shared pedestrian/cycle routes and an extension and improvement of the local bus network through the development centre is proposed. This complies with the remainder of the wider Llanilid development masterplan and follows the development principles agreed as part of the original hybrid outline/full consent.

It is advised that the developer is fully committed to responding proactively to addressing the challenges of climate change and a reduction in greenhouse gas emissions will be achieved through the sustainability targets the business has set itself.

The development site is not located in an area at risk of fluvial or tidal flooding, with the localised areas at risk of surface water flooding addressed through the already approved drainage strategy.

Open green spaces will be provided within the development, representing recreational spaces for residents and connectivity for the fauna and flora of the site. These spaces, along with sustainable transportation throughout the development layout, will provide opportunities for recreation and leisure for future residents. Public spaces will also be accessible for all and the site layout will ensure natural surveillance.

Local culture and heritage are represented through building form and the materials palette. The use of an appropriate materials pallet will ensure that the building designs are in keeping with the local character. It is also noted that landmark buildings and public art installations will be located throughout the wider development.

Impact of the proposed Llanharan Bypass road being / not being constructed

The SDS highlights that the proposed Llanharan Bypass road would help to boost the sustainability of the site through the introduction of active travel routes, relying on the provision of the road for certain elements of the Report's overall justification. As Members will be aware however, to date, no scheme has come forward for the proposed bypass road.

The provision of the road forms an element of Policy SSA9 and therefore without being brought forward, both the Local Member and LCC believe the SDS is invalid and should not be approved.

While these comments are acknowledged, and it is accepted that the SDS does factor in the sustainability benefits of the proposed bypass, at this time the Council cannot confirm whether the remaining section of the bypass will be constructed or not. Welsh Government's (WG) recent Roads Review has effectively put a stop to all new road schemes in Wales taking any decision to bring the bypass forward out of the Council's hands at this time. It is advised that the Council is still keen to deliver the bypass and is working with WG to seek ways to overcome the objections in the Roads Review, but there is currently no timescale as to when the Council may be in a position to bring any scheme forward.

In light of this fact, it is considered that it would be unreasonable to delay the discharge of the condition when the rest of the SDS is appropriate and acceptable, and also when the general sustainability of the site has been already long been established as acceptable through the granting of both the original outline and subsequent reserved matters approvals; and additionally, because the building of any new road issue is currently out of the Council's control and there is no timescale as to when a solution may be brought forward.

Therefore, while the concerns of the Local Member and LCC are appreciated, and the introduction of the bypass and associated additional active travel routes would undoubtedly improve the sustainability of the Llanilid development and the existing area, the SDS is generally considered acceptable and appropriate to allow discharge of the condition.

Conclusion

The SDS details the sustainability credentials of the proposed residential development in line with both local and national planning policy guidance. It outlines the design ethos and sustainable development aspirations of the development and sets out that the vision for the scheme is one which embodies good design principles, reflecting the local character of the area, and which seeks to embed core principles of energy and resource conservation, water management and sustainable transport into the foundations of the scheme.

It is accepted the Report does factor in the sustainability benefits of the proposed Llanharan bypass which, to date, has not been brought forward, however, the recent Welsh Government Roads Review has effectively put a stop to all new road schemes in Wales taking any decision to bring the bypass forward out of the Council's hands at this time. It is therefore considered that it would be unreasonable to delay the discharge of the condition on this basis alone, especially when the rest of the SDS is appropriate and acceptable, and with the general sustainability of the site having long been established as acceptable through the granting of both the original outline and subsequent reserved matters approvals.

It is therefore considered the SDS generally demonstrates compliance with the requirements of Condition 34 and subsequently, the pre-commencement elements of condition 34 can be discharged (insofar that it relates to Phases 3 and 4 of the wider development).

RECOMMENDATION: Approve and discharge the pre-commencement elements of condition 34 (insofar that it relates to Phases 3 and 4 of the wider development).