

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2024-2025

**PLANNING AND
DEVELOPMENT COMMITTEE
21st NOVEMBER 2024
REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No.

**APPLICATION NO: 12/0929/OUT:
Development of up to 600 residential
dwellings and ancillary development,
including retail/community facilities
(maximum gross internal floor space 464
square metres), together with associated
infrastructure works, provision of formal
and informal open space, retention of
wildlife habitats, and demolition of
existing buildings and structures at Trane
Farm (outline application with all matters
reserved).**

**Application accompanied by an
Environmental Statement received 23
August 2012 plus ES Addendum and
Transport Assessment received 6th
November 2015 (amended plans and
description of 6th November 2015), Land
at Trane Farm, Tonyrefail**

1. PURPOSE OF THE REPORT

Members are asked to further consider the determination of the above planning application, following a lack of any progress with the associated Section 106 legal agreement (S106) since Committee resolved to approve the application in 2016.

2. RECOMMENDATION

That Members delegate authority to the Director of Prosperity and Development to refuse the application, against the earlier Committee resolution to approve.

This request is sought as Members resolved to approve the application on 18th February 2016, but the Applicant has made no progress in completing the subsequent, required Section 106 agreement since; and because it does not appear that the Applicant will be in a position to complete the S106 process going forward.

3. BACKGROUND

This planning application was originally submitted to the Council on 08th October 2012. It seeks outline consent, with all matters reserved, for the

development of up to 600 residential dwellings and associated works at Trane Farm, Tonyrefail.

Given the major scale of the proposal and site constraints, several issues arose during the initial consideration period. Consequently, the application was not reported to the then Development Control Committee for determination until 16th April 2015. Officers considered the proposed scheme acceptable and provided a recommendation of approval (a copy of the original Committee report is attached at Appendix 1).

At that meeting Members were minded to defer determination for a site visit, to consider the impact of the proposal on highway safety, maintaining the separate identities of Gilfach Goch and Tonyrefail, as well as ecological and public health issues concerning the site.

The site visit was carried out on 28th April 2015 and the application reported back to Committee on 14th May 2015 (a copy of the site visit report is attached at Appendix 2).

Members raised concerns in respect of the proposed site access at the site visit and the subsequent Committee meeting. The application was therefore deferred so that Officers could investigate the concerns and seek amendments from the Applicant.

Amendments were received and the application reported back to Committee on 18th February 2016, again with an officer recommendation of approval (a copy of the final Committee report is attached at Appendix 3). Members resolved to approve the application subject to a S106 agreement to secure the following measures:

- Provision of a minimum of 10% affordable housing across the site.
- Provision of on-site public open space comprising of 1 x Neighbourhood Equipped Area for Play (NEAP) and 4 x Local Equipped Areas for Play (LEAP).
- A leisure/recreation contribution to upgrade, re-grade and improve off-site sport pitches (in lieu of on-site provision of sport and recreation facilities), and an initial maintenance package.
- Future management of the public open space to be provided by a management company.
- Delivery of a Vision Statement (a written plan prepared by the South and West Wales Wildlife Trust in relation to the future management of the Habitat Areas) and the phased transfer of control of the Habitat Areas to the Wildlife Trust.
- Delivery and implementation by the developer and all other interested parties of a programme of interim management proposals of the two parcels of Rhos Tonyrefail Site of Special Scientific Interest (SSSI) until such time that their ownership and management is transferred to the Wildlife Trust as part of the Agreement.

The Applicant has failed to secure the S106 agreement since the 2016 Committee resolution and consequently, the application has remained undetermined since, with no planning permission ever being issued.

4. PLANNING ASSESSMENT

As highlighted by the timeline set out above, almost nine years have passed since Members resolved to approve this application and the Applicant is yet to complete the required S106 agreement.

Numerous discussions have been held with the Applicant throughout this time, but no formal agreement has ever been reached. The last meaningful discussions were in 2019, where the Applicant advised that the S106 had to be completed before 03rd June 2019 or the lenders were likely to remove any funding. There has been very little contact with the Applicant since 2019 and none since January 2024, despite attempts from Officers.

The above appears to suggest that the scheme is and has long been undeliverable. Also, that the Applicant is not in a position to sign the legal agreement at this time and that it is doubtful they will be in a position to do so going forward.

Members are also advised that numerous changes to planning policy have occurred in the considerable time that has elapsed since the application was originally submitted. Consequently, much of the supporting information is now out of date and cannot be relied upon, i.e. traffic studies, ecology surveys, the introduction of SuDS, etc.

Therefore, even if the Applicant were in a position to sign the S106 agreement today, all supporting information would first have to be updated and presented for further assessment. This would effectively result in a new application and would take a considerable amount of time.

Given the history of discussion with the Applicant (or lack of) it is considered unlikely that the necessary updates could be achieved in any reasonable amount of time; and there is also no guarantee that the proposal could meet all current policy requirements.

This uncertainty combined with the lack of contact from the Applicant in recent years has resulted in Officers being of a mind that it is unlikely the S106 will ever be completed.

5. CONCLUSION

Despite numerous attempts by the Council to progress the S106, the Applicant has failed to sign the legal agreement in almost nine years; and in that time, despite having an acceptable scheme in general planning terms, has failed to demonstrate that the scheme is actually deliverable, or will ever be.

Furthermore, given the many changes in circumstance since the application was originally submitted (in terms of policy, the site, and with respect to the considerable amount of development that has taken place within Tonyrefail in the last ten years), should the Applicant wish to pursue this proposed development scheme, it is considered that a new planning application would be required.

The application has consequently been brought back before Members with an officer recommendation to delegate authority to the Director of Prosperity and Development to refuse.

APPENDIX 1 – Original Committee Report (16/04/15)

APPENDIX 2 – Committee Site Visit Report (14/05/15)

APPENDIX 3 – Second Committee Report (Report Back, 18/02/16)