



Llywodraeth Cymru
Welsh Government

From:

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Planning Decisions

Cleared by:

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Date:

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MINISTERIAL ADVICE

For decision by: Julie James AM, Minister for Housing and Local Government

Copied to: N/A

Subject	Call-in request - 34 affordable residential dwellings in Llantwit Fardre, Rhondda Cynon Taf
100 word summary	The Minister is being asked to decide whether to call in the planning application for determination by the Welsh Ministers
Timing	On or before 8 October
Recommendation	To call in the application
Decision report	This decision does not require a decision report

ADVICE

1. The main issue to consider in assessing whether an application should be called in by the Welsh Ministers is whether the application raises issues of more than local importance. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales Edition 10 (PPW). It sets out six examples of situations which may persuade the Welsh Ministers it is appropriate to call in an application. These include when applications:
 - are in conflict with national planning policies;
 - could give rise to substantial controversy beyond the immediate locality;
 - are likely significantly to affect sites of scientific, nature conservation or historic interest, or areas of landscape importance;
 - raise issues of national security;
 - may have wide effects beyond their immediate locality; or
 - raise novel planning issues.
2. The Officer's Report refers to the Council's failure to maintain a five-year housing land supply and states there is a significant shortfall of housing development within the county. The officer's report fails, however, to refer to Technical Advice Note 1 in considering the application or in providing recommendations.
3. TAN 1 requires LPAs to maintain a 5 year housing land supply, and sets out that this would be an important consideration in any planning appeal. More specifically, Para 6.2 of TAN 1 was dis-applied by the former Cabinet Secretary for Energy, Planning and Rural Affairs. Consequently it is for each LPA to decide how much weight to attach to their current land supply in determining applications. The report does not illustrate this important point.

Consultation

4. The views of the Welsh Government Planning Policy and Plans Branches were sought by officials as part of the consideration of whether to call in in the application.
5. Planning Plans Branch advice identified that the land in question is not within a defined settlement boundary in the LDP, and that the LDP's affordable dwellings exception policy permits sites up to a maximum of 30 dwellings, which this application exceeds. Plans Branch colleagues also identified that 75% of the land is subject to a minerals safeguarding policy in the LDP, designed to prevent development which would stop mineral extraction at some future stage, in this case for sandstone. Plans Branch colleagues also questioned the regard had for sustainability and placemaking policies set out in PPW 10.
6. Plans Branch advice concludes:

“On the basis that the proposed development is contrary to national planning policy, as set out in PPW Ed 10, as well as contrary to policies AW3 and AW14 IN the adopted LDP, I would recommend that from a

Plans Branch perspective **the application should be determined by the Welsh Ministers** as it is contrary to national planning policy.”

7. Planning Policy Branch colleagues were also consulted. They also identified the Council’s failure to refer to Para 6.2 of TAN 1, and the location of the proposal outside of the defined settlement boundary. Policy Branch colleagues referred to PPW 10’s requirement for consideration of placemaking in the planning application process, including a strategic approach to the location of new development.

8. Policy Branch’s advice concludes:

“Based on the information available, **call-in is recommended** as the application appears to conflict with national planning policies on development in the open countryside, the preference for the use of previously developed land and the plan-led approach for securing sustainable development.”

Consideration

9. Regard has also been had to the call-in requests received and the points raised in those requests, each of which is addressed in turn below:

Departure from the development plan

The LPA acknowledges the application site lies outside of settlement limits where new residential development would not normally be allowed. The Officer’s Report to committee says that following a full and balanced consideration of all policy relevant to the proposed development and all relevant material planning considerations, the LPA has concluded the proposals are on balance considered acceptable. It would be for Members to decide whether or not this is acceptable, on balance.

Ecology – SLA – rare and protected habitat including hedgerow, lowland meadows, purple moor-grass and rush pasture.

Protected species – bats, dormice, badgers, hedgehogs, polecats and marsh fritillary butterfly.

The Council’s consideration of these issues overlaps, and so they are addressed together.

The LPA’s Ecologist was initially concerned at the lack of sufficient information to conclude the ecological impacts of the development could be adequately mitigated. Further ecological assessment work was carried out and as a result of that process the ecologist officer has concluded that with achievable mitigation the development will not be in contravention of Policy AW8 in relation to bats and reptiles.

The Ecologist has maintained an objection on the basis that insufficient information has been provided relating to grassland, Marsh Fritillary

Butterfly habitat and the presence of key species that are indicators of priority grassland habitat at the site.

Conclusion

10. The report, in the main, gives consideration to relevant national and local planning policy and provides reasoned conclusions based on those policies. The report fails, however, to address TAN 1 in general, or the dis-application of para 6.2 in particular, as part of its reasoning on the issue of housing land supply.
11. The Rhondda Cynon Taf LDP is now significantly overdue for review and the age of the plan should mean the report gives greater weight to more current national policy than that demonstrated. In particular, since the introduction of PPW Edition 10 there is now a greater emphasis on placemaking. The proposal is for 34 dwellings on the periphery of an existing urban form. It is unclear how the proposal relates to the national sustainable placemaking outcomes as the application has not been assessed against the relevant criteria.
12. The report also attempts to justify development outside of the settlement boundary on the basis of an affordable housing exemption policy which the report also acknowledges the proposal fails to meet, as the number of dwellings proposed is too great. The report attempts to justify the departure from this policy by comparing the proposal to the affordable housing element of the Cwm Cokeworks proposal –a different, off-site, application. Each application should be considered on its own merits and the reference to the other proposal could be potentially misleading to Members.
13. Policy and Plans colleagues have also raised concerns regarding the correct application of national policy. The application, when assessed against the call-in examples, suggest there are additional issues which would warrant a recommendation to call in the application, including the preference for use of previously developed land, and the proposal's relationship to the sustainable transport hierarchy.

Recommendation

14. We have assessed the request in the light of all the above information and, on balance, **we recommend the current application should be called in for determination by the Welsh Ministers.**