*CYNGOR BWRDEISTREF SIROL*

# *RHONDDA CYNON TAF*

**COUNTY BOROUGH COUNCIL**

**GWŶS I GYFARFOD PWYLLGOR**

C Hanagan
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
Y Pafiliynau
Parc Hen Lofa'r Cambrian
Cwm Clydach, CF40 2XX

Dolen gyswllt**:** Jess Daniel - Council Business Unit, Democratic Services (01443 424103)

Bydd rhithwir cyfarfod o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 21AIN IONAWR, 2021** am **3.00 PM.**

MAE MODD I AELODAU NAD YDYN NHW'N AELODAU O'R PWYLLGOR AC AELODAU O'R CYHOEDD OFYN I ANNERCH Y PWYLLGOR YN YSTOD Y CYFARFOD SY'N YMWNEUD Â'R MATER SYDD WEDI'I NODI. RYDYN NI'N GOFYN EICH BOD CHI'N RHOI GWYBOD AM EICH BWRIAD I SIARAD DRWY E-BOSTIO **GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK** ERBYN 5PM AR DYDD MAWRTH, 19 IONAWR 2021, GAN NODI A FYDDWCH CHI'N SIARAD YN GYMRAEG NEU'N SAESNEG.

MAE'N BOSIB BYDD TREFN YR AGENDA'N NEWID ER MWYN HWYLUSO BUSNES Y PWYLLGOR.

## AGENDA

**Tudalennau**

**1. DATGAN BUDDIANT**

Derbyn datganiadau o fuddiannau personol gan Aelodau, yn unol â gofynion y Cod Ymddygiad.

**Nodwch:**

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw; a
2. Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, mae **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

**2. DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU**

Nodi y dylai Aelodau o'r Pwyllgor, wrth benderfynu materion rheoli datblygu ger eu bron, roi sylw i'r Cynllun Datblygu ac, i'r graddau y bo hynny yn berthnasol, i unrhyw ystyriaethau perthnasol eraill. Rhaid i Aelodau, wrth ddod i benderfyniadau, sicrhau nad ydyn nhw'n gweithredu mewn modd sy'n anghyson â'r Confensiwn Ewropeaidd ar Hawliau Dynol fel y'i hymgorfforwyd mewn deddfwriaeth gan Ddeddf Hawliau Dynol 1998.

**3. DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015**

Nodi bod Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar gyrff cyhoeddus i gynnal datblygiadau cynaliadwy yn unol â'r egwyddor datblygu cynaliadwy, ac i weithredu mewn modd sy'n anelu at sicrhau y caiff anghenion y presennol eu diwallu heb amharu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion hwythau.

**4. COFNODION**

Cadarnhau cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 3 Rhagfyr 2020.

**5 - 8**

**CEISIADAU A ARGYMHELLIR AR GYFER EU CYMERADWYO GAN Y CYFARWYDDWR MATERION FFYNIANT A DATBLYGU**

**5. CAIS RHIF: 20/1072**

Adeiladu adeilad ar wahân i'w ddefnyddio fel warws (Derbyniwyd ffin y llinell goch ddiwygiedig ar 03/12/2020).
**UNED 12-14 TUBEX LTD, YSTAD DIWYDIANNOL PARC ABERAMAN**
**ABERAMAN, ABERDÂR, CF44 6DA.**

**9 - 16**

**6. CAIS RHIF: 20/1196**

Amrywio amod 1b - ymestyn y cyfnod ar gyfer caniatâd cynllunio 16/1385/13.
**TIR I'R GORLLEWIN O'R A4119, CEFN YR HENDY, PONT-Y-CLUN.**

**17 - 48**

**7. CAIS RHIF: 20/1312**

Symud a storio oddeutu 8,000m3 o ddeunydd o'r tirlithriad yn ardal Tylorstown dros dro. Mae hyn yn cynnwys creu pentyrrau, cyfuno deunyddiau, draenio, mesurau lliniaru ecolegol/cynefinoedd a gwaith cysylltiedig. (Yn rhannol ôl-weithredol)
**HEOL YR ORSAF, GLYNRHEDYNOG**

**49 - 66**

**8. CAIS RHIF: 20/1313**

Symud a storio oddeutu 22,000m3 o ddeunydd o'r tirlithriad yn ardal Tylorstown dros dro. Mae hyn yn cynnwys creu pentyrrau, cyfuno deunyddiau, draenio, mesurau lliniaru ecolegol/cynefinoedd a gwaith cysylltiedig. (Yn rhannol ôl-weithredol)
**TIR CYFERBYN Â PHARC BUSNES MAES-Y-DERI, GLYNRHEDYNOG**

**67 - 84**

**ADRODDIAD ER GWYBODAETH**

**9. GWYBODAETH I AELODAU SY'N YMWNEUD Â'R CAMAU GWEITHREDU WEDI'U CYMRYD O DAN BWERAU DIRPRWYEDIG**

Rhoi gwybod i'r Aelodau am y canlynol, ar gyfer y cyfnod 21/12/2020 – 08/01/2021

Penderfyniadau Cynllunio a Gorfodi – Apeliadau a Dderbyniwyd
Penderfyniadau Dirprwyedig – Ceisiadau wedi'u cymeradwyo a'u gwrthod gyda rhesymau.

**85 - 96**

**10. MATERION BRYS**

Trafod unrhyw faterion sydd, yn ôl doethineb y Cadeirydd, yn rhai brys yng ngoleuni amgylchiadau arbennig.

**Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu**

**Cylchrediad:-**

**Aelodau o'r Pwyllgor Cynllunio a Datblygu:**

Cadeirydd ac Is-gadeirydd y Pwyllgor Materion Rheoli Datblygu
(Y Cynghorydd S Rees a Y Cynghorydd G Caple)

Y Cynghorydd J Bonetto, Y Cynghorydd P Jarman, Y Cynghorydd D Grehan, Y Cynghorydd G Hughes, Y Cynghorydd J Williams, Y Cynghorydd W Owen, Y Cynghorydd R Yeo, Y Cynghorydd D Williams ac Y Cynghorydd S Powderhill

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd a Chyfathrebu
Cyfarwyddwr Materion Ffyniant a Datblygu
Pennaeth Datblygu Mawr a Buddsoddi
Pennaeth Cynllunio
Pennaeth y Gwasanaethau Cyfreithiol
Uwch Beiriannydd

tudalen wag

**PWYLLGOR CABINET CYNGOR RHONDDA CYNON TAF**
**PWYLLGOR CYNLLUNIO A DATBLYGU**

Cofnodion o rhithwir gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 3 Rhagfyr 2020 am 3.00 pm.

**Y Cynghorwyr Bwrdeistref Sirol - Pwyllgor Cynllunio a Datblygu Aelodau oedd yn bresennol:-:-**

Y Cynghorydd S Rees (Cadeirydd)

| | |
|---|---|
| Y Cynghorydd G Caple | Y Cynghorydd J Bonetto |
| Y Cynghorydd P Jarman | Y Cynghorydd D Grehan |
| Y Cynghorydd G Hughes | Y Cynghorydd J Williams |
| Y Cynghorydd R Yeo | Y Cynghorydd D Williams |
| Y Cynghorydd S Powderhill | |

**Swyddogion oedd yn bresennol**

Mr J Bailey, Pennaeth Cynllunio
Mr S Humphreys, Pennaeth y Gwasanaethau Cyfreithiol
Mr A Rees, Uwch Beiriannydd

**Y Cynghorwyr Bwrdeistref Sirol eraill oedd yn bresennol**

Y Cynghorydd J James

**40 YMDDIHEURIADAU AM ABSENOLDEB**

Daeth ymddiheuriad am absenoldeb gan Gynghorydd y Fwrdeistref Sirol W. Owen.

**41 DATGAN BUDDIANT**

Yn unol â Chod Ymddygiad y Cyngor, doedd dim datganiadau o fuddiant ynglŷn â'r agenda.

**42 DEDDF HAWLIAU DYNOL 1998 A PHENDERFYNIADAU RHEOLI DATBLYGU**

**PENDERFYNWYD** nodi y dylai Aelodau o'r Pwyllgor, wrth benderfynu materion rheoli datblygu ger eu bron, roi sylw i'r Cynllun Datblygu ac, i'r graddau y bo hynny yn berthnasol, i unrhyw ystyriaethau perthnasol eraill. Rhaid i Aelodau, wrth ddod i benderfyniadau, sicrhau nad ydyn nhw'n gweithredu mewn modd sy'n anghyson â'r Confensiwn Ewropeaidd ar Hawliau Dynol fel y'i hymgorfforwyd mewn deddfwriaeth gan Ddeddf Hawliau Dynol 1998.

**43 DEDDF LLESIANT CENEDLAETHAU'R DYFODOL (CYMRU) 2015**

**PENDERFYNWYD** nodi bod Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru)

2015 yn gosod dyletswydd ar gyrff cyhoeddus i gynnal datblygiadau cynaliadwy yn unol â'r egwyddor datblygu cynaliadwy, ac i weithredu mewn modd sy'n anelu at sicrhau y caiff anghenion y presennol eu diwallu heb amharu ar allu cenedlaethau'r dyfodol i ddiwallu eu hanghenion hwythau.

**44 COFNODION**

**PENDERFYNWYD** cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar XXXXX yn rhai cywir.

**45 NEWID I DREFN YR AGENDA**

Cytunodd y Pwyllgor y byddai'r agenda yn cael ei ystyried mewn trefn wahanol yn unol â'r manylion yn y cofnodion isod.

**46 CAIS RHIF: 20/1091/10**

**Estyniad sy'n ddeulawr yn rhannol a'n un-llawr yn rhannol, y tu cefn i'r adeilad.**
**8 STRYD DYFODWG, TREORCI, CF42 6NN.**

Yn unol â'r gweithdrefnau wedi'u mabwysiadu, derbyniodd y Pwyllgor y siaradwyr cyhoeddus canlynol a gafodd bum munud yr un i annerch yr Aelodau ynglŷn â'r cynnig uchod:

- Mr James Parry (Ymgeisydd)
- Ms Beverley Richards (Gwrthwynebydd)

Arferodd yr Ymgeisydd, Mr James Parry, yr hawl i ymateb i sylwadau'r gwrthwynebwyr.

Darllenodd y Pennaeth Materion Cynllunio sylwadau ysgrifenedig gan gymydog, Mr Jones, sy'n gwrthwynebu'r cais.

Cyflwynodd Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Gwasanaeth Materion Ffyniant a Datblygu.

**47 CAIS RHIF: 20/0464/10**

**Datblygiad preswyl arfaethedig a gwaith cysylltiedig.**
**Tir yng Ngholeg y Cymoedd, Heol Cwmdâr, Cwmdâr.**

Yn unol â'r gweithdrefnau sydd wedi'u mabwysiadu, derbyniodd y Pwyllgor Mr Robin Williams (Asiant). Cafodd e bum munud i gyflwyno'r cais uchod i'r Aelodau.

Cyflwynodd y Pennaeth Materion Cynllunio'r cais i'r Pwyllgor ac, yn dilyn trafodaeth, penderfynodd yr Aelodau gymeradwyo'r cais, yn groes i argymhellion y Cyfarwyddwr, Materion Ffyniant a Datblygu. Roedd hyn am eu bod nhw o'r farn y byddai'r datblygiad arfaethedig yn estyniad sy'n cyd-fynd â'r datblygiad cyfredol. Roedd yr aelodau hefyd o'r farn bod digonedd o fannau agored yn yr ardal gan nodi y byddai'r datblygiad arfaethedig yn darparu cyfleoedd gwaith ac

yn darparu tai o ansawdd da. O ganlyniad i hynny, caiff y mater ei ohirio tan y cyfarfod priodol nesaf o'r Pwyllgor Cynllunio a Datblygu fel bod modd derbyn adroddiad gan y Cyfarwyddwr Materion Ffyniant a Datblygu, a gaiff ei lunio drwy ymgynghori â Chyfarwyddwr y Gwasanaethau Cyfreithiol yn ôl yr angen. Bydd yr adroddiad yn tynnu sylw at y cryfderau a'r gwendidau posibl sydd ynghlwm â gwneud penderfyniad yn groes i argymhelliad swyddog, neu unrhyw reswm arfaethedig neu reswm cynllunio dros wneud penderfyniad o'r fath. Caiff yr adroddiad yma ei ystyried cyn dod i benderfyniad ar y mater.

**48 CAIS RHIF: 20/0315/10**

**Cynllun i drosi ac estyn dau adeilad allanol i ffurfio dau dŷ annedd gyda garejys ar wahân. (Derbyniwyd y cynllun safle diwygiedig ar 10/07/20) (Derbyniwyd Arolwg Ystlumod Rhagarweiniol ar 03/08/20) (Derbyniwyd Arolwg Presenoldeb Ystlumod ar 02/10/20)**
**Fferm Ffrwd Philip, Heol Ffrwd Philip, Efail Isaf, Pontypridd, CF38 1AR**

Siaradodd yr Aelod Lleol, Cynghorydd y Fwrdeistref Sirol J James, nad yw'n aelod o'r Pwyllgor, am y cais gan fynegi ei bryderon ynglŷn â'r datblygiad arfaethedig.
Cyflwynodd Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

(**Nodwch:** Ar yr adeg yma, gadawodd y Cynghorwyr J James a D Williams y cyfarfod.)

**49 CAIS RHIF: 20/0921/10**

**Codi tair uned Dosbarth B1/B2/B8 a gwaith parcio a gwasanaethu cysylltiedig (unedau 16, 17 a 18).**
**Unedau 16, 17 a 18, Parc Busnes Hepworth, Pont-y-clun, CF72 9DX**

Cyflwynodd Pennaeth Materion Cynllunio y cais i'r Pwyllgor. Ar ôl trafod y cais, **PENDERFYNWYD** cymeradwyo'r cais yn unol ag argymhelliad y Cyfarwyddwr Materion Ffyniant a Datblygu.

**50 GWYBODAETH I AELODAU SY'N YMWNEUD Â'R CAMAU GWEITHREDU WEDI'U CYMRYD O DAN BWERAU DIRPRWYEDIG**

**PENDERFYNODD** yr Aelodau dderbyn adroddiad y Cyfarwyddwr Gwasanaeth – Materion Cynllunio mewn perthynas â'r Penderfyniadau Apeliadau Cynllunio a Gorfodi a ddaeth i law, Cymeradwyaethau Penderfyniadau a Gwrthodiadau Dirprwyedig gyda rhesymau, Trosolwg o Achosion Gorfodi a Phenderfyniadau Gorfodi Dirprwyedig ar gyfer y cyfnod 09/11/2020 – 20/11/2020.

**Daeth y cyfarfod i ben am 3.55 pm**

**Y Cynghorydd S Rees**
**Cadeirydd.**

tudalen wag

RHONDDA CYNON TAF

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JANUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

## PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

| | |
|---|---|
| **APPLICATION NO:** | 20/1072/10 **(KL)** |
| **APPLICANT:** | **Tubex Ltd,** |
| **DEVELOPMENT:** | Erection of a detached building to be used for warehousing (Amended red line boundary received 03/12/2020). |
| **LOCATION:** | **UNIT 12 TO 14 TUBEX LTD, ABERAMAN PARK INDUSTRIAL ESTATE, ABERAMAN, ABERDARE, CF44 6DA** |
| **DATE REGISTERED:** | **03/12/2020** |
| **ELECTORAL DIVISION:** | **Aberaman South** |

**RECOMMENDATION: Approve**

**REASONS: The proposal relates to the construction of an additional industrial building which would be used for storage purposes in association with an existing industrial unit on Aberaman Park Industrial Estate. The building would provide improved facilities for the operational requirements of the business.**

**The building is considered to be acceptable in terms of its siting, scale and design and it would not have an adverse impact upon the character and appearance of the site and surrounding area or upon the nearest neighbouring occupiers.**

**The proposal would not result in any additional employees as a result of the development and the existing access and parking arrangements are considered to be acceptable. The Council's Highways and Transportation section have not raised any objection to the proposal in this regard.**

## REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

## APPLICATION DETAILS

Full planning permission is sought for the construction of a new industrial building on land immediately adjacent to an existing industrial unit on Aberaman Park Industrial Estate, Aberaman. At the time of the officer's site visit, it was clear that the construction of the building had mostly been undertaken and so permission is sought for the retention and completion of the building.

The building has been constructed to the north of Unit 12 to 14 (Tubex Ltd) Aberaman Park Industrial Estate. It measures 15.05 metres in width by 40.2 metres in depth with a pitched roof design that measures 7.8 metres in height to the ridge and 5.4 metres to the eaves. Externally, the building has been finished with steel trapezoidal sheet metal wall panel cladding and PVC tarpaulin (industrial grade standards). Access to the building is via a roller shutter door to the front elevation.

The building would be used for storage/warehousing purposes only (in association with the existing industrial unit).

The application is accompanied by the following:

- Planning Statement;
- Building Specification Brochure.

## SITE APPRAISAL

The application site relates to a broadly rectangular shaped parcel of land which is situated to the north of and within the grounds of an existing industrial unit (units 12 to 14) on an established industrial estate in Aberaman. It is relatively flat in ground profile and is largely screened from the surrounding area by its position at the north-western corner of the industrial estate and by a number of trees and vegetation along the A4059 to the north and west.

The site is accessed via an existing internal estate road to the eastern boundary. Parking for the wider site is situated to the front of the existing unit and on a parcel of land opposite the site.

## PLANNING HISTORY

**20/0743/10**: UNIT 12 TO 14 TUBEX LTD, ABERAMAN PARK INDUSTRIAL ESTATE, ABERAMAN, ABERDARE, CF44 6DAUNIT 12 TO 14 TUBEX LTD, ABERAMAN PARK INDUSTRIAL ESTATE, ABERAMAN, ABERDAR, CF44 6DA
Proposed 'lantern' roof alteration to allow installation of new machinery within warehouse
Decision: 21/09/2020, GTD

**20/0865/10**: UNIT 12 TO 14 TUBEX LTD, ABERAMAN PARK INDUSTRIAL ESTATE, ABERAMAN, ABERDARE, CF44 6DA
Installation of a semi-permanent building to store products assisting with COVID-19.
Decision: Undecided (Invalid)

**PUBLICITY**

The application has been advertised by means of direct neighbour notification to the nearest neighbouring property and through the erection of a number of site notices in the vicinity of the site. No letters of objection or representation have been received as a result of this process.

Further consultation was undertaken following the submission of an amended red line boundary plan however, no letters of objection or representation had been received at the time of writing this report.

**CONSULTATION**

**Flood Risk Management**: No objection raised or condition suggested in relation to surface water flood risk as this will be managed by both building regulations and Schedule 3 of the Flood and Water Management Act 2010.

**Highways and Transportation:** No objection raised or condition suggested

**Public Health and Protection:** No objection, subject to conditions relating to noise, dust and waste. Further conditions are suggested in relation to contaminated land.

**Welsh Water:** The proposal does not involve discharge to a public sewer and Welsh Water do not have any comments to make in relation to the proposal.

**POLICY CONTEXT**

**Rhondda Cynon Taf Local Development Plan**

The application site is located within the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant to this application:

**Policy CS1** - emphasis on building strong, sustainable communities which will be achieved by promoting commercial development in locations which will support and reinforce the roles of the Principal Towns and Key Settlements.
**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.
**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.
**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.
**Policy NSA26** - supports development that will contribute to the achievement of the Cynon Valley River Park Strategy.

**Supplementary Planning Guidance**

Design and Placemaking
Access Circulation and Parking

**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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

**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.

**Main Issues:**

**Principle of the proposed development**

The application relates to the construction of a detached industrial building that is located immediately adjacent to an existing industrial unit on an established industrial estate in Aberaman. The building would be used for storage purposes in association with the existing unit and, given that there are a number of different industrial units and industrial uses in the immediate vicinity, the principle of the proposal is considered to be acceptable, subject to consideration of the following material planning considerations:

**Impact on the character and appearance of the area**

The building has been constructed to the north of an existing industrial unit and, due to its corner position and the location of trees along the northern and western boundaries, it is not considered to be highly visible from the surrounding area. The building is of an acceptable scale and design and is in-keeping with the scale and design of other industrial units in the wider industrial estate. As such, it is not considered to have an adverse impact upon the character and appearance of the surrounding area.

**Impact on residential amenity and privacy**

The building has been constructed within a secluded corner of an existing industrial estate and it is not considered that it would have any impact upon any surrounding unit or neighbouring occupier. Indeed, the nearest units form part of the existing industrial estate and are situated approximately 70 metres to the east and approximately 75 metres to the south-west.

**Access and highway safety**

The application has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal upon highway safety in the vicinity of the site. An objection was originally raised in relation to insufficient off-street car parking however, following discussions with the applicant, an amended red line boundary plan was submitted which indicates a separate parking area immediately opposite the site (the necessary notice has been served on the landowner). The Council's Highways and Transportation section consider this to be acceptable and, taking into account that the proposal will not increase staff numbers, the original objection raised has been withdrawn. As such, the proposal is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site.

**Other Issues:**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

**Drainage**

The proposal would result in the construction of a building that would be greater than 100m$^2$ and the applicant will therefore be required to submit a separate application for sustainable drainage approval prior to works taking place. As indicated previously, the building has already been constructed however no application has been made for sustainable drainage approval. This issue is currently being dealt with by the Sustainable Drainage Approval Body however, as it is separate to the planning process, the planning application cannot be refused on this basis.

The Council's Flood Risk Management team have not raised any objection to the proposal and have not recommended any conditions.

**Public Health**

The application has been assessed by the Council's Public Health and Protection division who have recommended a number of conditions in relation to hours of operation, noise, dust and waste. Whilst these recommendations are noted, the issues outlined above are better dealt with by separate Environmental Health legislation and it is not considered necessary to duplicate these issues in planning conditions.

It is also indicated that the site is located within 250m of a landfill and the Public Health and Protection division consider that there is potential for contamination to exist on site. However, taking into account that the building has already been constructed and that no ground works were necessary to facilitate the building (as indicated in the building specification brochure and confirmed by the applicant), no contaminated land conditions are necessary in this instance.

**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) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

**Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, the impact it would have upon the character and appearance of the site and surrounding area, the impact

it would have upon the amenity and privacy of the nearest neighbouring occupiers and in respect of the impact it would have upon highway safety in the vicinity of the site.

**RECOMMENDATION: Grant**

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RHONDDA CYNON TAF

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JANUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

## PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

| | |
|---|---|
| **APPLICATION NO:** | 20/1196/15 **(GD)** |
| **APPLICANT:** | **Talbot Green Developments Ltd** |
| **DEVELOPMENT:** | Variation of condition 1b extension of time of planning permission 16/1385/13. |
| **LOCATION:** | **LAND WEST OF A4119, CEFN YR HENDY, MWYNDY, PONTYCLUN** |
| **DATE REGISTERED:** | **02/11/2020** |
| **ELECTORAL DIVISION:** | **Pontyclun** |

**RECOMMENDATION: Approve, subject to a Section 106 Agreement.**

**REASONS:**

**The principle of the proposed development remains acceptable on the basis that the site is allocated for residential development in the adopted Rhondda Cynon Taf Local Development Plan and the specifics of this application for outline planning permission remain acceptable in terms of all other material planning considerations.**

## REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

## APPLICATION DETAILS

This is an application for the variation of condition 1(b) of outline planning permission 16/1385/13, to extend the time limits for the submission of reserved matters. Condition 1 reads as follows –

1 a) Details of the appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") for any given phase shall be

submitted to and approved in writing by the local planning authority before development within the relevant phase begins and the development shall be carried out as approved,

(b) Applications for the approval of reserved matters shall be made to the Local planning authority not later than three years from the date of this Permission.

(c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

The application is accompanied by all of the documentation that supported the original planning application along with the following –

- Signed and dated application forms
- Decision notice 16/1385/13 (V2 following the discharge of conditions 8 & 10)
- Planning statement (WYG October 2020)
- Framework Masterplan drawing ref: 1873-URB-UD-Xx-XX-GA-90-001 (The urbanists September 2020).
- Indicative surface water drainage strategy drawing ref: CYH-WSP- XX-XX-DR-CV-0501 (WSP September 2020)
- Update phase 1 habitat survey (WYG May 2020)

**SITE APPRAISAL**

The application site is comprised in some 19.8 hectares of land formed in an L shape around and to the north of the established residential development at Cefn y Hendy, Miskin. The site is situated between Coed Yr Hendy on its western and some of its northern boundary with the remainder of the northern boundary only defined by hedgerow and trees. The eastern boundary is largely defined by the A4119 save for where it tracks around Ty Cefn Parc, and the southern boundary is otherwise defined by the established residential development in the area. The topography of the area can best be described as undulating with principal falls from south to north for the majority of the site with the eastern part of the site falling from west to east. The highest part of the site lies in the western part of the site with the lowest in the east.

The site is comprised of a series of fields defined by hedgerow and some key mature trees.

At present vehicular and pedestrian access to the site is gained through Ffordd Cefn Y Hendy the principal road serving as access to the existing estate. A public right of way crosses the site in a northerly direction towards Llantrisant and a second Public Right of Way runs through the woodland adjacent to the western boundary of the site

The estate itself is a relatively recent development that has come forward over the last 25 30 years for the most part. The estate is typically a combination of detached or semi-detached properties finished in brick and render combinations with conventional roof tiling and occasional feature detailing such as cast lintels and cils. The estate is also home to Ysgol Gynradd Gymunedol Gymraeg Llantrisant.

In the wider area, and within approximately half a mile of the site boundary, there are a number of amenities such as the Glamorgan Vale Retail Park and Talbot Green Shopping Park and its adjacent town centre whilst alternative shopping options are available to the south west in Pontyclun. The Llantrisant Leisure Centre is a little further away from the site at Southgate.

The site is affected by a number of designations directly adjacent to it. The Local Development Plan designates the woodland and open space as both a special landscape area (SLA) and site of importance for nature conservation (SINC).There are also designated regionally important geological sites (RIGS) to the north and east of the site. The site is not subject of an air quality management designation though the Mwyndy Air Quality Management Area lies nearby.

**PLANNING HISTORY**

| | | |
|---|---|---|
| 20/0606 | Discharge of conditions 8 Wildlife protection plan and 30 Construction Environmental management Plan planning application 16/1385 | Approved 15/09/20 |
| 20/0462 | Non Material Amendment to vary the wording of conditions 1(a) Reserved matters, 2 site investigation, 3 phasing, 8 wildlife, 10 levels, 11 external materials, 12 contamination, 16 protected species, 19 historic environment mitigation, 21 alignment of site distributor road, 22 engineering details, 28 noise, 29 glazing, 30 CEMP.planning application 16/1385 | Approved 29/06/20 |
| 16/1385 | Outline planning application for the construction of up to 460 dwellings, primary school, local centre (up to 200 sq m net sales) | Approved 08/02/18 |

| | | |
|---|---|---|
| | open space, and associated drainage and landscaping | |
| 03/1674 | 19.1 hectare mixed use development comprising B1 business development and residential units | Allowed at appeal 23/10/08 |

**PUBLICITY**

The application has been advertised by means of press notice, site notices and neighbour notification letters. A total of 63 letters received within the statutory consultation period, commenting on or objecting to the application have been submitted offering the following comments –

Planning policy, procedural and legal issues –

- The proposals are contrary to the requirements of the Local Development Plan which clearly outlines the need for substantial improvement to the current infrastructure relating to the road system and the provision of public services in line with the principles of the Wellbeing of Future Generations Act.
- The proposals are not sustainable and contrary to the wellbeing of Future Generations Act and the impact of Covid on the proposals only strengthen this position.
- The proposals involve Welsh Government land and its development would constitute greenfield development contrary to the sustainable development duty of the Government of Wales Act 2006 and the Wellbeing of Future Generations Act.
- Land included within the plans is not within the Local Development Plan (land proposed for the Western roundabout).
- Development in the last 2 years has significantly altered traffic conditions. The Local Development Plan specifies that the development is contingent upon improved access to the A4119 via a rebuilt junction, despite this the need for an improved access was not enforced when the original decision was taken. The change in conditions means that this should be reconsidered.
- The Council should be identifying brownfield sites suitable for development and not taking greenfield sites.
- Redundant employment sites should be repurposed for housing to reduce the impact on the environment.
- The initial application was supported with an environmental impact report, in the intervening period there has been positive environmental change and the reduction in pollution during lockdown has improved the quality of green space for the better. As such an up to date and independent report form more than one company should be required who have no affiliation with TGD or RCT.

Highways and transportation issues –

- The A4119 cannot take any more traffic.at rush hour times.
- Existing residents confine using the A4119 to outside of peak periods.
- Congestion around the existing welsh medium school at peak times is bad and would become worse with the proposed development.
- Most households have at least 2 cars so how will the A4119 cope with additional traffic.
- Highway infrastructure is already over stretched. The proposals will increase traffic congestion on to the B4264 along with the corner park junction and A4119 in turn which are both very busy. This will destroy the village of Miskin through the creation of gridlock at peak times through all its streets. It also will increase commuter times which have increased markedly over the last 10 years.
- The A4119 is already a dangerous road and there have been a number of fatalities over the last decade or so the proposed development will increase traffic exacerbating such a situation. The development of the site also needs to address how crossing the A4119 will be made safer.
- There are no proposals to upgrade the A4119 for it to better cope with an additional 460 houses.
- Proximity of the development to the school is a concern and the safety of Children should be paramount. When works were recently undertaken in that area contractors parked on double yellow lines and on pavements, obstructing pram and wheelchair access.
- Commuter trains through Pontyclun which is the nearest station are heavily oversubscribed.
- Congestion at peak times is already causing damage to the economy.
- Thousands of new homes are being built west of Cardiff and the appropriate point for that to join the M4 would be via the A4119/Castell Mynach Junction.
- The original proposals for the development of the site included a grade separated junction but this has now been downgraded to traffic lights.
- The signalisation of the Matalan roundabout has not dealt with the congestion at peak times.
- Public transport options are limited in capacity and availability.
- The development would remove any improvements made to transport infrastructure in recent years.

<u>Amenity issues</u> –

- The fields subject of the application are a valued local amenity widely used for general recreation, hiking, dog walking and wildlife watching. Since the public inquiry into the village green claims and lockdown use of fields for recreational use has increased. The fields are a place of sanctuary and a place to exercise.
- Each of the fields has its own unique character views, sounds and smells which once lost can never be recovered and would be lost to the community and to Wales.

- If the fields are lost to local residents they will have to travel further to access the countryside including crossing the A4119 which lacks sufficient and safe crossing points.
- The remaining natural green space of Wales and the UK must be protected from further development.
- The development of the site needs to address the impact of its development on safety and the quality of life that residents currently enjoy.
- No consideration is given in the application to the many pathways which cross the site which are not registered
- The lack of green space in the wider Talbot Green area is now more apparent than ever.

Health issues –

- The increase in air and noise pollution, including that in the village of Miskin, that will arise as a result of the development has not been properly considered and will have a detrimental impact on the health and wellbeing of all residents, with consequent impacts on local schools and health services. This is exacerbated by the presence of the nearby test centre and learner drivers making constant use of the area.
- The development will increase air pollution on the A4119 corridor which adjacent to the site is an Air Quality Management Area (AQMA) where nitrogen dioxide levels have been above EU and UK legal limits for 11 years.
- The fields subject of the application have been invaluable through the current crisis being the only open space within walking distance for many residents and their loss will adversely impact resident's mental and physical health now and in the future, particularly should such a crisis arise again in the future.
- The welfare of children and staff at the school will be put at risk from the fumes from heavy machinery working in close proximity and through the use of heavy machinery with no apparent or appropriate safety measures being in place as recently witnessed in the works undertaken at the western entrance.
- The proposals would mean that the area would not meet emissions targets and pollution in the area has increased markedly in recent years

Physical and social infrastructure issues –

- Where will children in the new development go to school? Pontyclun schools are already saturated. Local schools are already overcrowded. No property should be occupied until the school is built.
- RCT have approved the removal of the school from the original plan which lends weight to the view that they are intent on building houses without providing local services.
- There are no shops currently in the area.
- There are no doctor's surgeries or pharmacies local to the development so how will Pontyclun cope with additional people to serve. There are no plans for

additional primary care facilities in the area to cope with the additional population the development would bring.

- Existing GP surgeries are already oversubscribed with a 2-3 week wait for an appointment.
- The impact of the development on the Royal Glamorgan Hospital also needs to be taken into account as they are already overwhelmed and more housing might result in them being unable to cope.
- No mention is made of the footpath which runs through the application site.
- The situation with Covid has placed additional stress on health services and medical and dental appointments have been cancelled indefinitely and the BBC claim that it will take years for services to be restored to pre Covid levels, in such circumstances adding 1000 people to the area cannot be justified.
- The school has been removed from the original application which is no longer faithful to the original but rather a deviation.
- There have been few if any improvements to the already struggling infrastructure since the approval of the original planning application.
- How will the schools plans for the site be funded? In the paperwork for for the 2017 application indicates that the Council's own education representative confirmed that there was no money for the proposed school so where is the money coming from?
- The development should not be allowed because the situation around infrastructure is worse now than it was in 2017 and 2018 when permission was granted.
- Whilst the application can make provision for infrastructure provision of various types be it medical care or shops/pubs there is no guarantee they will be provided and even if surgeries are built who will fund the staffing of them?
- There will be increased strain on local emergency services there is only a part time police station and rarely are police seen on patrol.
- The applicant's reference car parking at Pontyclun station but it is inadequate to meet current needs and the applicants should make a contribution towards its improvement.
- The current proposals don't take full account of high rainfall or the potential for flooding Drainage systems should be able to cope with the most extreme storm conditions should building go ahead.
- No playgrounds are proposed in the area.
- In terms of drainage the fields act as a buffer between established property and the river if we experience floods similar to those experienced earlier this year it could prove devastating if this buffer is built on. It seems contrary to NRW best practice and raises concerns around pollution and public safety
- The initial comments of NRW in respect of the drainage proposals and the use of soakaways are commented on along with the original surface water strategy devised by WYG for the original application. Similarly the introduction of SuDS has raised safety question as the strategy appears to be that areas of public open space will flood during storm events and this is a risk to children.
- The above if it cannot be resolved also raises the issue of adoption of the estate roads.

Ecology issues –

- The development of the site would lead to a detrimental impact on local wildlife seen in the fields on a daily basis.
- The development will obliterate an important area for wildlife.
- The nearby Pant marsh has the rare Scabious Bee and work is being done to support its environment removing the fields which has diverse flora particularly in the spring and summer months is clearly detrimental to the ecology of the area.
- The site is a valuable natural resource and carbon sink and the development of the site would lead to its removal. Similarly the role of soil should not be overlooked as when it is covered in concrete it cannot perform its role of sequestering carbon.
- In light of the declared climate emergency and the role these fields will play in sequestering carbon they should not be developed and kept as they are, providing an ideal opportunity for RCT to be climate smart.
- Residents would be supportive of planting the site with trees to offset carbon emissions.

Other matters –

- The Ramblers Society raise no objections to the proposed development, but express dismay that he proposed routes for existing Public Rights of Way will be diverted along lines that are shared with traffic.
- Documents relating to the original outline application are not available to view and residents therefore feel unable to comment.
- The current proposals will have severe negative impact on the current quality of life enjoyed by existing residents.
- The Council is clearly not listening to or taking seriously the views of the community or local politicians Kate Libby Jones, Mick Antoniw and Alex Davies-Jones who have all expressed opposition to the proposed development.
- The development is unnecessary and bad for the community.
- The only reason that the planning department is determined to develop the site is to boost the coffers of RCT.
- Residents pay the highest band of Council tax and this is a disgraceful reason to destroy a peaceful and happy community.
- The original permission period was granted for a reason and the application for an extension has failed to make a satisfactory case as to why this should be revised.
- It would be an enormous disservice to fail to protect the community's natural beauty and to fail to act in the interests of community members – those who live and work in the community.
- The applicants have already had sufficient time to assemble the land and bring it forward for development.

- The process is futile as it seems a decision has been made with no consideration for the safety and wellbeing of local residents.
- The delay is unsettling for residents who are unsure of how when or if they are going to be affected by the development.
- The impact of the development on the climate crisis also need to be properly considered.
- The village green application, though narrowly lost for not being able to prove use from 1997 – 2000 did find that since 2000 the fields have been used by Miskin residents for leisure. Evidence of significant usage since 2000 makes it safe to assume that if a village green application is made now it would be successful.
- The Covid situation has led to school start and finish times being extended which extends the period of time that children will be at risk from heavy plant and machinery.
- The small amount of work undertaken in October 2020 in the view of residents does not constitute a start for the development.
- The works undertaken did not have the relevant permissions required and health and safety for those works posed a risk to those accessing the school. Wouldn't this make the works null and void?
- Council correspondence indicates that changes have been made to working practices to keep staff and the public as safe as possible during the Covid crisis, this does not extend to the local school when the works to the access were taking place. Where there was frequent conflict between residents and workmen only to be advised that it was not the planning department's problem
- The risk assessment for the works to the access should be made public before this application is determined. And the willingness to flout legal requirements is concerning with no signs on lampposts.
- People are not buying new homes in the numbers they were 3 years ago and the proposals would not be of interest to developers in the current market and no more time or money should be wasted in pursuing this proposal, particularly as development companies are unwilling to invest in developments that might take many years to deliver a return.
- Each time objectors receive information on this proposal something has changed e.g. the school is included and then not. Scope creep is dangerous and the Council are complicit in this.
- This is not a consultation exercise as the Council are determined to see this application through regardless of the views of local residents.
- Every time the Council consults with local residents on this issue it alienates them further and they should drop it for the sake of their own credibility.
- The original decision was taken in an underhand manner as Councillors who were known to be against the original proposals were unavailable when that decision was made.
- Given the current crisis will the Council allow until the new year for the receipt of public consultation responses rather than the standard 21 days to allow those who may be ill or caring for others sufficient time to comment.

- An additional three years on top of the three already grated would be excessive and risks the site being unable to respond to further change in local circumstances. It would also cause undue distress to local residents.
- Developers are sitting on the land due to the amount of building currently underway in the area – this is not how planning permission should be used.
- Can the community opposing the development be assured that there is no personal gain, financial o other, or any links with persons from Talbot Green Developments and employees of RCTCBC? Could this be available via a Freedom of Information request?
- From many years of opposing the development of this site, whatever planning is applied for it is granted by RCTCBC which seems very fortunate for the developer and residents wonder what it would take for it not to be granted?
- There is no economic benefit in the scheme other than for housebuilding CEO's who award themselves millions in pay, using land bought by developers who are based off shore.
- Failure to provide the Sainsbury store on an adjacent site means that the planning permission should not be extended.
- The adverse consequences of the development are ignored for short term economic and electoral benefit on the part of all involved, this flies in the face of claims by the Council to improve the environment of its residents and those of the Welsh Government in terms of the climate emergency.
- The area opposite McDonald's was decimated and then not developed and this space should be developed rather than the fields subject of this application.
- Residents have cultivated land on the site to the rear of their properties encouraging natural flora and fauna to the area and this will be lost to development
- Consultation should ideally involve the Council knocking on every door to seek opinion on the issue.
- The illustrative layout shows new housing too close to established properties.
- The underlying ground conditions are unsuitable with shallow mine workings present.
- Concern is expressed that planning permission was granted for this development ahead of the one for 7500 homes in north west Cardiff
- Any suggestion of a large development should be considered where people need additional housing the most – in the communities in which they belong – rather than in areas where higher prices can be demanded for housing.
- The development of the site will lead to a loss of a learning resource to local children.

**CONSULTATION**

Transportation Section – No objections subject to the re-imposition of earlier conditions as subsequently amended or discharged.

Flood Risk Management – No objections.

Public Health & Protection – No objections.

Housing Strategy – Based on the findings of the Local Housing Market Assessment 2017/23 it is recommended that the following affordable housing unit mix be secured on site –

- 26 two person, one bedroom walk up flats for social rent.
- 18 four person, two bedroom houses for social rent.
- 10 five person, 3 bedroom houses for social rent..
- 8 six person, four bedroom houses for social rent.

- 20 three bedroom houses for low cost home ownership.

- 10 two bedroom houses for low cost home ownership.

The low cost home ownership units should be built to the same standard as the equivalent open market units made available for sale to Council nominated first time buyers from the homestep register. The developer contribution should equate to 35% of the open market value for each unit, i.e. the nominated purchaser should pay no more than 65% of the open market value per unit (refer to paragraph 4.2. of the affordable housing SPG).

The social rented units must be built to Design Quality Requirements and the developers contribution should equate to 58% of acceptable cost guidance i.e. the registered social landlord will purchase the units for not more than 42% of acceptable cost guidance per unit less on costs (refer to paragraph 4.2 of the affordable housing SPG.

Countryside – Raise no objection as through the effective delivery of the Habitat management plan, the potential impacts of the development on the adjacent sensitive habitats and the species supported by them can be effectively mitigated for.

Education – Have raised no objection to the planning application subject to receiving CIL monies when appropriate to make interim and permanent provision for the children that will reside on the estate at the catchment school.

Natural Resources Wales – No objections

Dwr Cymru Welsh Water – Raise no objection subject to any drainage related conditions being brought forward into any further grant of planning permission.

Wales & West Utilities – have not commented in detail on the application and advise that contractors should contact them to establish the presence of their apparatus and infrastructure in the vicinity of the site.

Western Power Distribution – request that the applicant be made aware that should they require a new connection or service alteration their consent will be required.

South Wales Fire & Rescue Service – raise no objection to the application subject to the developer having due consideration for the provision of adequate water supplies on the site for firefighting purposes and the site being designed with appropriate access for fire fighting appliances.

Cadw – in response to the original planning application 16/1385/13 it was Cadw's opinion that the proposed development would have a low, but not significant adverse impact on the settings of scheduled monuments GM065 Rhiw Season Caerau and GM074 Llantrisant Castle. There has been no material change to the designated historic assets since the approval of the original planning application, consequently we will have no objection to the variation of condition 1b extending the time planning permission 16/1385/13.

The Coal Authority – have not commented on the current application but previously have found the information submitted in support of the development of this site acceptable subject to the imposition of conditions relating to the manner in which ground conditions are managed through the development process.

Glamorgan Gwent Archaeological Trust – as the archaeological advisors to your Members we have no objection to the variation of condition 1(b) of planning permission 16/1385/13

South Wales Police – have not responded in respect of the current submission but previously indicated that they would welcome the opportunity to discuss the development with the applicants with a view towards designing out crime prior to a decision being made. They also recommended that secured by design principles be applied in the development of the site.

Cardiff City Council (as adjoining LPA) – No objections

Cwm Taf University Health Board – No response received

**POLICY CONTEXT**

**Rhondda Cynon Taf Local Development Plan**

**Policy CS2** - promotes sustainable growth in the Southern Strategy Area, that benefits Rhondda Cynon Taf as a whole, to be achieved by,: residential development with a sense of place that respects the principal towns, focusing development within settlement boundaries and realising the importance of Talbot Green / Llantrisant for social and economic growth.

**Policy CS3** – Allocates strategic sites, including Mwyndy – Talbot Green for large scale residential, employment, retail and recreational purposes. The same policy also requires proposals for the strategic sites to have regard to the indicative concept plans.
**Policy CS4** – Allocates the Mwyndy – Talbot Green strategic site for 500 dwellings (400 at Cefn Y Hendy and 100 at Cowbridge Road).
**Policy CS5** – Requires the provision of affordable housing.
**Policy AW1** – Defines the sources of land for new housing including the allocations in the Local development plan and the provision of affordable housing.
**Policy AW2** – Defines sustainable locations for development including sites within settlement boundaries, sites with good transport accessibility, sites with good access to services and facilities, sites that support principal towns key settlements and smaller settlements, sites that support strategic sites and sites that are well served by infrastructure.
**Policy AW4** – provides for the securing of planning obligations.
**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.
**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.
**Policy AW7** – requires that developments which affect Public Rights of Way to enhance or replace that public right of unless there is no need for it.
**Policy AW10** – requires development proposals to overcome any harm to public health, the environment or local amenity as a result of air pollution, noise pollution, light pollution, contamination, landfill gas, land instability water pollution or flooding.
**Policy SSA8** - for the Mwyndy-Talbot Green strategic site states that it is allocated for construction of:

- 500 dwellings (400 at Cefn-yr-Hendy and 100 at Cowbridge Road),
- 15 hectares of employment land,
- retail and leisure development,
- a new primary school,
- library-community facility and
- informal amenity space in a landscape setting.

**Policy SSA11** – Seeks a minimum housing density of 35 dwellings per hectare.
**Policy SSA12** – Seeks an affordable housing contribution of no less than 20%.
**Policy SSA13** – Gives general criteria for the consideration of housing development taking place within settlement boundaries, including that any proposed development does not prejudice the development of strategic sites.

**Relevant Supplementary Planning Guidance**

1 Design and placemaking
5 Affordable housing

6 Nature conservation
7 Planning obligations
8 Access, circulation and parking
10 Flats
11 Employment skills.

**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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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.

Other relevant policy guidance consulted:

PPW Technical Advice Note 1 Joint housing land Availability Studies
PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development
Manual for Streets

At the time that the initial application 16/1385 was considered at the 19 October 2017 meeting of the Planning and Development Committee Planning Policy Wales (edition 9) was in force and since then (in December 2018) edition 10 has been published. The implications of this change as it relates to the proposed development is considered and addressed below

**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.

In this instance, the applicants have submitted an application under s.73 Town and Country Planning Act 1990 to amend condition 1(b) of outline planning permission 16/1385 (see above) to extend the period of time within which reserved matters can be submitted. In such circumstances the Local Planning Authority are required to consider only the conditions subject to which the planning permission should be granted and in doing so the Local Planning Authority must consider whether there has been any change in policy or any other material circumstance that might affect the proposal. If the application is successful this results in the grant of a new permission.

The Local Planning Authority may grant the permission subject to conditions differing from those to which the previous permission was granted or refuse the application. The Local Planning Authority however do not have the power to impose conditions which could not have been imposed on the original permission nor impose conditions that would result in a fundamental alteration to the development approved by the original application. Whether the application is granted or refused the original grant of planning permission would remain.

The key consideration in the determination of this application is that planning policy remains supportive of the proposed development within the terms laid down by the adopted Rhondda Cynon Taf Local Development Plan. The site remains allocated for residential development under policy SSA8 of the plan. Since the initial grant of outline planning permission by Members planning policy has been updated at the national level with the introduction of Planning Policy Wales 10 in 2018. The key objective of the new national policy is to support sustainable development through placemaking and the proposed development sits well with the key themes that achieve that.

In addition to the application forms the current submission is accompanied by the following-

- Decision notice (updated following the discharge of conditions 8 & 13).
- Planning statement.
- Framework masterplan drawing ref:1873-URB-UD-XX-XX-GA-90-001.
- Indicative surface water drainage strategy drawing ref: CYH-WSP-XX-XX-DR-CV-0501.
- Update Phase 1 habitat survey.

In addition to the above documents the reports and documents submitted as part of the approved outline application have also been resupplied –

- Pre application consultation report
- Design and access statement
- Extended phase 1 habitat survey
- Bat emergence/return and activity survey
- Dormouse presence/likely absence survey
- Reptile presence/absence survey
- Tree survey report with supplementary tree location plan, tree constraints plan and tree protection plan
- Noise assessment
- Air quality assessment
- Drainage strategy
- Transport assessment and travel plan
- Interim travel plan
- Landscape visual impact assessment
- Archaeology desk based assessment and setting assessment
- Non-Technical summary – environmental and geotechnical desk studies
- Geo-technical desk top report
- Coal mining risk assessment
- Phase 1 environmental assessment.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary the condition, it can:-

- Grant consent either with or without conditions; or,
- Refuse.

In that the Council can approve with or without conditions, it is also appropriate to consider the extent and nature of all the previous conditions attached and if the application is to be granted amend them to reflect current circumstances and requirements.

Members will note that there has been a considerable amount of objection to the proposed development covering a variety of topics. It should also be noted that a number of the objections have referenced the current pandemic as a reason for reconsideration of the proposals on issues as diverse as the impact on highways, the loss of open space and the impact of losing the application site to development on

individuals physical and mental wellbeing. Many of the issues raised in respect of this application, which are reported above, were also raised and addressed in relation to the original application for outline planning permission. The objections which were addressed in the report on the original application have not been repeated in this report though where there is a need for an update or where new issues have been brought up, the following comments are offered.

***Planning policy, procedural and legal issues*** – In planning policy terms the two substantive changes since the proposals for the development of this site were originally considered have been the revision to policy in the form of Planning Policy Wales 10 (PPW10) and the abandonment of Technical Advice Note 1 Joint Housing Land Availability studies (TAN1). The introduction of PPW10 placed the goals of the Wellbeing of Future Generations Act at the heart of planning in Wales, placing an emphasis on achieving sustainability through placemaking. In the case of this particular site, these objectives remain achievable. The proposals involve substantial offsite improvements to the highway network along with provision for the increased use of sustainable transport. On site the proposals include the provision of a school, local retail centre, along with public open space and play areas. When the original application was approved as per the requirements of TAN1 weight was afforded to the housing land supply issue and the need to maintain a five year housing land supply. Whilst the abandonment of TAN 1 has removed that obligation there remains a need to address the requirement to ensure sufficient housing gets built. Furthermore the site remains a site allocated for development in the adopted Local Development Plan. Given the above support for development of the site should be maintained.

Greenfield development is not contrary to legislation where it can be appropriately justified as in this case.

There is no obligation for an application of this kind to be supported by an Environmental Impact Assessment. The original planning application was screened for Environmental Impact Assessment (EIA) under the 1999 Regulations and a negative screening opinion was adopted by the Council. The current regulations came into force in May 2017 and at that time the Council reconsidered and reissued the screening opinion as the planning application at that time remained under consideration, and again concluded that the application did not comprise an EIA development In this case the applicants are relying on original environmental information for the most part and have provided updates in areas where it is appropriate to do so, such as in respect of ecology. This has again been considered against the requirements of the regulations and it has again been concluded that the proposals are not EIA development.

***Highways and transportation issues*** – most of the issues raised in respect of highways in this application were raised and addressed under the original outline planning application and little new has been introduced by objectors. A number have commented that the proximity of the Welsh Medium Primary School and the works recently undertaken immediately adjacent to it are a concern given the behaviour of

contractors. Whilst complaints were received regarding this and the issue raised in turn with the applicants agent, this of itself would form no basis for rejecting the current proposals. The introduction of the driving test centre to Talbot Green also causes concerns for local residents claiming that its presence exacerbates the currently difficult situation. However no evidence is produced to indicate how or why this is so or why it has an impact on the application.

***Amenity issues*** – again here many other issues raised repeat what was considered previously. Locals will have to travel further to access the countryside but this is an inevitable consequence of the development and in itself no reason for refusal. It is acknowledged that the site is affected by Public Rights of Way and these will be incorporated into the development the other pathways though clearly present do not benefit from any statutory protection.

***Health issues*** – In addition to issues previously addressed it is claimed that the presence of heavy machinery operating in close proximity to the school will expose children to unacceptable levels of fumes. However, no evidence is offered to support the assertion and in any event as development progresses into the site it will move further away from the school.

***Physical and social infrastructure*** – Many of the issues raised in respect of the current submission were previously addressed under the original outline planning application and circumstances have not changed to the extent that any further comment is required. That said, there are a few issues that require addressing or updating. Firstly the situation in respect of education remains as previously reported, however there is a suggestion that the school has been removed from the scheme, this is not so and the school remains a fundamental element in the description of the development itself and remains a key element of the illustrative layout. Funding for the school remains a matter for the Council as the education authority and the developers contribution to the school is addressed through the payment of CIL. Healthcare was previously addressed and whilst many residents have referenced the current pandemic and its impact on health services this is not a consideration that should alter the final outcome of the planning application. The other issue that requires an update is that relating to drainage. The change that needs to be drawn to Members attention is that the development of the site would now be subject to the requirement for a SUDs approval which is an entirely separate consenting regime. As such any issues relating to drainage will be dealt with under that regime.

***Ecology*** – The general comments submitted in respect of this proposal have been previously addressed. The reference made to the Scabious Bee presence at the nearby Pant Marsh is new as is the Welsh Government's recent requirement to have regard to maintain and enhance biodiversity. This though would be achieved through the Habitat Management Plan the content of which was agreed in part in 2020 for the first phase of the development, it does though underline the importance of implementing the requirements of the agreed plan. The argument presented in respect of the site being a carbon sink and the capacity of the site to sequester carbon and

the manner in which it is presented is one that can be applied to any greenfield site and would form no basis for refusing planning permission on what is a site allocated for development in the Local Development Plan.

***Other issues*** – is an area where perhaps the most additional comment has been made. Where appropriate these issues are afforded appropriate weight in the consideration of the application and they inform the recommendation below.

- It is claimed that the applicants have not made a satisfactory case for an extension of time. There is no requirement for them to do so. The ability to submit an application under s.73 for an extension of time is prescribed in law in Wales.

- The argument that the developers have had sufficient time to implement the permission is not relevant to the determination of the application

- It is claimed that if the village green application was made now the evidence would support its designation. Whilst that might be the case in terms of evidence and what it supports The Commons Act 2006 now prohibits applications for village greens where such land enters and continues to be in the planning system. Members should note that the village green inquiry and its resolution took a considerable amount of time to conclude.

- Claims about the condition of the housing market, developers sitting on land, conflict of interest and personal gain are simply not material planning considerations and need to be treated as such.

- The application has been subject to the appropriate requirements in respect of public consultation.

- Planning permission for this development might have been granted ahead of that for 7500 homes in Cardiff but the one has no bearing on the other and both authorities have an obligation to meet identified housing need.

- To suggest that building only take place where people need housing the most in the communities where they belong rather than where it might deliver the greatest profit is not a planning consideration. Applications have to be determined on their merit where they are and not in accordance with individual preference.

**Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline or Section 73 stage in this instance, but will be calculated for any reserved matters or full applications.

**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:

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

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. 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 requirements in this case**

In this instance, the terms of the original Section 106 agreement will need to be carried forward under its original terms other than in respect of the habitat management plan that has been agreed and the section 106 will require the implementation of the approved plan. To summarise the heads of terms of the Section 106 are –

1. The provision of 20% affordable housing as detailed in the comments from Housing Strategy above
2. The provision of the local centre on occupation of 75% of the dwellings (345$^{th}$ dwelling)

3. The continued agreement of a long term management programme for the management of the open space to the north of the site and ecologically sensitive areas of the site.
- Provision of green space and play areas for management and maintenance in accordance with the Councils Supplementary Planning Guidance on planning obligations
- The agreement of an employment skills training plan
- A financial contribution of £90,000 towards the provision of additional park and ride spaces at Pontyclun railway station

**Conclusion**

In conclusion the principle of residential development remains acceptable in the context of the adopted Local Development Plan that specifically allocates the site for residential development. Since the original approval of the scheme at the national level policy circumstances have changed with the introduction of Planning Policy Wales 10, however, when considered in the round it would still favour the development of the site.

**RECOMMENDATION: Grant**

1. a) Details of the appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") for any given phase shall be submitted to and approved in writing by the local planning authority before development within the relevant phase begins and the development shall be carried out as approved,

   (b) Applications for the approval of reserved matters shall be made to the Local planning authority not later than three years from the date of this Permission.

   (c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Any submission for the approval of reserved matters (with the exception of phase 1) shall be accompanied by a detailed site investigation report. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed

development in order to minimise any damage that might arise as a result of ground conditions. The development hereby permitted shall be carried out in accordance with the approved site investigation report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

3. The proposed development shall proceed on a phased basis in accordance with the details set out in the applicant's Non Material Amendment application dated 29/06/2020, unless otherwise agreed in writing with the Local Planning Authority

Reason: To allow for the development of the site in an ordered manner that integrates positively with the existing development in accordance with policy SSA3 of the Rhondda Cynon Taf Local Development Plan.

4. Details of the landscaping scheme to be submitted to and approved by the local planning authority shall include indications of all existing trees and hedgerows within any given phase and details of any to be retained along with measures for their protection during the course of development.

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

5. All planting seeding or turfing in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or the completion of each phase 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 are removed or become damaged or diseased shall be replaced in the next planting season with others of similar size or species unless the local planning authority gives its 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 & AW6 of the Rhondda Cynon Taf Local Development Plan.

6. A landscape management plan, including long term design objectives, management response, maintenance schedules for all landscaped areas, other than privately owned domestic gardens within each phase, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development within that phase for its permitted use. The landscape management plan shall be carried out as approved.

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

7. Before any work is commenced within any given phase, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle around each tree to coincide with the extremity of the canopy of the tree. Within the area so fenced off the existing ground level shall be neither raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be stored thereon. If any trenches for services are required they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

   Reason: to protect the existing trees on the site during the course of building in the interests of amenity in accordance with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Other than in respect of phase 1 details of which have been previously agreed, no development shall take place within any given phase until a wildlife protection plan for construction, relevant to that phase, has been submitted to and approved in writing by the Local Planning Authority.

   The plan shall include:

   - An appropriate scale plan showing wildlife protection zones where construction activities are restricted and where protective measures will be installed or implemented;
   - Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
   - A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).

   Persons responsible for:

   i. Compliance with legal consents relating to nature conservation;
   ii. Compliance with planning conditions relating to nature conservation;
   iii. Installation of physical protection measures during construction;
   iv. Implementation of sensitive working practices during construction;
   v. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
   vi. Provision of training and information about the importance of the wildlife protection zones to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, prior to the commencement of housing development within any given phase, a habitat management planshall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Purpose, aims and objectives of the scheme.
- A review of the sites ecological potential and constraints.
- Description of target habitat features to be restored.
- Selection of appropriate strategies for achieving habitat restoration.
- Selection of specific restoration techniques and practices for re-establishing vegetation.
- Sources of habitat material.
- Method statement for the restoration of vegetation.
- Extent and location of proposed works.
- Aftercare and long term management.
- Personnel responsible for works.
- Timing of works.
- Monitoring.
- Disposal of arisings

all restoration works will be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Any amendments to the Habitat Management Plan required as a result of ongoing monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason: To enhance and afford protection to animal and plant species in accordance with policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Before any works start on site within any phase of the development (with the exception of phase 1), existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. Building operations shall not be commenced within any approved phase of housing development until samples of all external finishes to be used in the proposed development of that phase have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

12. The development of any phase of development hereby permitted (with the exception of phase 1) shall not begin until a scheme to deal with contamination within or affecting that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless otherwise agreed in writing with the Local Planning Authority:

- A desk top study 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.

- Site investigation shall be carried out to fully 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 agreed in writing with the Local Planning Authority.

- A written method statement for the remediation of contamination affecting the site.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No dwelling hereby permitted shall be occupied until the measures approved in the scheme referred to in condition 12 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 for the relevant phase of development.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. If during development works any contamination is 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 in the vicinity of the encountered contamination shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development on any phase of housing development shall commence until details of a scheme for the disposal of foul and surface water to serve that phase of development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the development and retained in perpetuity.

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

16. Before the commencement of any works on site within any given phase of the development (with the exception of phase 1*)*, a comprehensive scheme of mitigation for protected species relevant to that phase shall be submitted to and agreed in writing with the Local Planning Authority

The scheme shall include, but not exclusively:

- The preparation of a method statement to detail how protected species will be protected and if presence on site is established, conserved during the site clearance works, including details of the timing and duration of the works, and action to be taken in the event that a protected species is found.
- The timing and phasing of implementation of ecological mitigation.
- The location form and extent of any buffers to be retained and/or newly planted/translocated material, including measures to safeguard habitats (notably the adjacent woodland) from adjacent properties. These buffers must be located outside the curtilage of any individual development plots.
- Appropriately scaled and annotated drawings setting out the habitats to be lost, enhanced or created and those retained. Any hedgerow vegetation which is not to be retained within the site should be translocated to create connective corridors or used to help bolster the undisturbed buffer zones.

- A long term habitat management plan to ensure the favourable management of mitigation habitats on site.
- A lighting plan to minimise the impacts of the proposed development on any protected species present. This should include details of the type and siting of the lighting used, light spillage in key areas for wildlife and any operational measures necessary to ensure wildlife corridors, mitigation habitats are not illuminated. The plan must address both the construction and operational phases of the development.

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

17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: In order to minimise the risk of pollution to controlled waters in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. Piling, or any other foundation design using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water.

Reason: In order to minimise the risk of pollution to controlled waters in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

19. No development shall take place (with the exception of phase 1) until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

20. Prior to the first occupation of the 1st dwelling hereby approved the following works will have been designed, approved by the Local Planning Authority and built.

i. Improvements to and the signalisation of the staggered road junction at the junction of the unnamed road with the A4119 and access to the Arthur Llewelyn Jenkins/future employment access; including improvements to the existing highway, relocation of the existing bus stop and provision of pedestrian and cycle crossing facilities. Signalisation shall incorporate MOVA traffic control with linking to the School Road traffic signals. Provision shall be made for hardware, software licences and validation to allow the signalised junction to be incorporated into a SCOOT UTC system incorporating all signalised junctions along the A4119.
ii. Shared use pedestrian/cycle path linking the unnamed road with the existing facilities at the A4119/A473 roundabout with links to the development site in the vicinity of the unnamed road/signalised junction and Cefn Park Farm.
iii. Provision of a shared use pedestrian/cycle path along the eastern side of Ffordd Cefn Y Hendy to link the site access with the unnamed road together with uncontrolled crossing improvements and the provision of a bus stop with shelter, flag and pole, raised bus border kerbs and bus stop road markings.

All works shall be designed in accordance with current highway design requirements and road safety audits and be implemented in accordance with details to be submitted to and approved in writing by the local planning authority prior to any works commencing on site.

Reason: In the interests of highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

21. Prior to the commencement of works on site, other than any related site infrastructure works or any works within phase 1**,** the developers shall submit a plan for the written approval of the Local Planning Authority confirming the alignment of the site distributor road. Full engineering design and details of the site distributor road including details of improvements to the site access roundabouts, sections, street lighting, drainage, highway structures, traffic management measures, turning facilities, shared pedestrian/cycle facilities, public transport infrastructure,
footways, link cycle footpaths, hard margin strips and associated works to serve any identified phase of development, along with a programme for its implementation, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works on that phase of development. In any event, the distributor road shall be completed and available for use prior to the occupation of the 350th dwelling on the approved site.

Reason: In the interests *of* highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

22. Notwithstanding any approved plans no works shall commence on site, for each phase of development (with the exception of phase 1), until full engineering design and details of all approach roads, side roads, private shared accesses, including sections, street lighting, drainage, highway structures , traffic management measures, turning facilities, shared pedestrian /cycle facilities, footways, link cycle footpaths, hard margin strips and associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests *of* highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

23. Parking provision shall be in compliance with the Council's latest adopted Supplementary Planning Guidance and the spaces shall be constructed in permanent materials and retained for the purpose of parking only unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway in the interests of road safety.

24. Surface water run-off from roof, yard, drives and parking areas shall not discharge over and on to the public highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent hydraulic overloading and subsequent flooding.

25. The developer shall provide the occupier of each dwelling with a travel plan/welcome pack which should contain information regarding the following:

a) Bus/train service providers, their contact details, frequency of service, time table, bus stops/railway stations, current ticket costs and financial incentives to encourage use of public transport.
b) Park and ride/park and share facilities and associated costs and restrictions of use of such facilities.
c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure.
d) Local and national cycle routes; and
e) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance the relevant national and local planning policies.

26. The developer shall submit for the agreement of the Local Planning Authority a programme of improvements to public footpath ANT/314/. The agreed programme shall be implemented in full prior to the occupation of the 200th dwelling.

Reason: To encourage sustainable movement in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

27. Any topsoil (natural or manufactured) or subsoil to be imported into the site shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation that shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to the approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

28. Prior to commencement of the development within the eastern most phase of housing (as referred to in condition 3), the developer shall provide a detailed construction specification, including noise mitigation properties and position of the barrier to be employed to the eastern site boundary (as detailed in Section 5.2 of Noise Assessment 2016, Job No. A075698), so as to achieve noise levels in private external amenity areas in compliance with BS8233:2014 of 55db(A) T or below. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

29. Prior to commencement of any identified phase of housing development, the developer shall provide, detailed information that indicates the glazing and ventilation specifications offered as noise mitigation (both standard and enhanced) throughout the residential development, or any identified phase of the development so as to achieve internal noise levels in compliance with BS8233:2014. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

30. Other than in respect of phase 1 details of which have already been agreed, no development shall take place on any identified phase of the development until a phase specific Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council.

The Plan shall provide a construction method statement for:

a) the means of access to the site for all construction traffic.
b) the parking of vehicles of site operatives and visitors.
c) the management of vehicular and pedestrian traffic.
d) loading and unloading of plant and materials.
e) storage of plant and materials used in construction the development.
f) wheel cleansing facilities.
g) the sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing with the local planning authority.

The environmental management element of the plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to:
Procedures for maintaining good public relations, including complaint management, public consultation and liaison.
Arrangements for liaison with the Council's Pollution Control Team.
All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

- 08 00 hours and 18 00 hours Mondays to Fridays
- 08 00 hours and 13 00 hours on Saturdays
- At no time on Sundays and Bank or Public Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
Mitigation measures as defined in BS 5528: parts 1 & 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
Procedures for emergency deviation of the agreed working hours.
Control measures for dust and other air borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air borne pollutants.
Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of safety and the free flow of traffic and the amenity of surrounding occupiers and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

31. The consent hereby granted relates to the following plans:

- Site location plan 1549 URB UD XX XX GA 90 013 Draft

Reason: For the avoidance of doubt as to the approved plan.

32. Prior to the commencement of construction of the school and retail elements of the development hereby approved, details of Electric Vehicle Charging Points and underlying infrastructure associated with the school and retail floorspace shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the school and retail floorspace and thereafter retained in accordance with the approved details.

Reason: In order to improve and enhance the sustainability of the proposed development in accordance with the requirements of Planning Policy Wales 10.

RHONDDA CYNON TAF

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JANUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

## PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined below:

| | |
|---|---|
| **APPLICATION NO:** | 20/1312/08 & 20/1313/08 **(CHJ)** |
| **APPLICANT:** | **Cyngor Rhondda Cynon Taf Council** |
| **20/1312/08** | |
| **DEVELOPMENT:** | Temporary deposit and storage of approximately 8,000m3 of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective) |
| **LOCATION:** | **STATION ROAD, FERNDALE** |
| **20/1313/08** | |
| **DEVELOPMENT:** | Temporary deposit and storage of approximately 22,000m3 of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective) |
| **LOCATION:** | **LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE** |
| **DATE REGISTERED:** | **19/11/2020** |
| **ELECTORAL DIVISION:** | **Ferndale** |

**RECOMMENDATION: Approval subject to the conditions below.**

**REASONS: The development, while largely retrospective, has been necessary to remediate the landslip that occurred earlier this year. Fortunately, nobody was injured as a result of this incident, but it was clear that action to remove the material from the river was urgently necessary.**

**The proposal represents the most efficient and environmentally sustainable of the (limited) options available. While the stockpiling of this material will have some negative visual impact, it is necessary (for safety reasons) to dry out the**

**material before it can be worked and will only be for a temporary period before being removed / remodelled. This will be the subject of a separate planning application (to be made at a future date)**

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**REASON APPLICATION REPORTED TO COMMITTEE**: The nature of the application, while potentially capable of being considered under the Council's Scheme of Delegation, is such that a Committee determination is considered more appropriate.

## BACKGROUND INFORMATION

On 16th February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail above the village of Tylorstown resulting in a large landslip followed by a smaller, secondary event.

The consequence was that approximately 30,000 cubic metres of colliery tip material slid down the slope and filled the valley bottom from the "toe" of the slope outwards in an extremely low angled and widely distributed debris envelope. This subsequently filled the River/Afon Rhondda Fach diverting its course to the western side of the valley bottom. The diverted river began eroding the western bank of the river creating a vertically unstable face of approximately 5 metres which threatened to undermine the Rhondda Fach Leisure Centre car park adjacent to the top of the bank.

The slipped material also seriously damaged and breached a main sewer beneath the Leisure Centre downstream of the landslide "toe" and felled numerous trees in its wake and covered a water main below the former railway line which is used as a (non-motorised) leisure route.

## APPLICATION DETAILS

The development which is the subject of this application is partially (largely) retrospective and was started without the benefit of planning consent due to the threat to the local buildings and infrastructure caused by the landslip and extensive scouring from the diverted river. Committee is reassured that, while the work may be retrospective, the applicants (the Council) sought early advise from both the Countryside, Landscape & Ecology Section and the Development Control (Planning) Section (as well as other in-house technical experts) before any work had commenced.

Committee is advised that there have been two applications submitted, one for each respective receptor site although the access to these sites are the same (essentially a haul road). Members may also note that the two reports are, largely, identical in content and considerations and while the scheme as a whole can be debated together, two separate determinations are required.

Both sites (referred to as **A** & **B**) are being used simultaneously for the stockpiling of material. Receptor Site A (RS**A**) is further away (approximately 1km) from the slip

material and Receptor Site B (RS**B**) is approximately 600 metres away from the slipped material.

Both sites are long linear strips of land the width of which has been dictated by the landform with a steep embankment to the north and the river to the south. RSA is actually divided into two parcels. The presence of two mine shafts have prevented this from being one area. RS**B** is wider than RS**A** but RS**A** is considerably longer. The majority of the material will be stored on RS**B** which is closest to the land slip area.

Work to deposit the material on the receptor sites began in July 2020 and is expected to continue until February 2021.

RS**A** (1 & 2) is proposed to accommodate approximately 8000 cubic metres with a maximum height of 5.5 metres however, the applicant has subsequently advised that A1 has only 800 cubic metres and A2 has nothing at all. RS**B** can accommodate 22,000 cubic metres with a maximum height of 8 metres. Committee is advised that the maximum heights are largely dictated by safety considerations although RS**A** is unlikely to be receiving the amounts of material envisaged (largely due to the good compaction rate of the material excavated so far).

The track (haul road) has had to undergo some strengthening in places and the addition of passing bays however these will be removed following completion of the work and the track returned to its original condition.

The application proposes temporary storage of this material for a period not exceeding 3 years. This allows sufficient time for consultation / monitoring prior to the submission of a planning application for the permanent scheme and it allows sufficient time following the Planning process to programme the work to ensure that it is undertaken during the most advantageous season to reduce any risks in respect of access, management of the material and ecological mitigation.

The applicant will not be precluded from removing the stockpiles before the end of this period subject to obtaining the necessary consents.

The documentation included with the application comprises:

- A Design & Access Statement (incorporating a Planning Statement)
- A Community Infrastructure Levy Declaration
- An EIA Screening Opinion & Response
- Extended Phase 1 Habitat Survey
- Ecological Rationale
- Ecological Method Statement
- Flood Consequences Assessment

- Coal Mining Risk assessment
- Chemical Stability Assessment
- Preliminary Sources Study Report
- Surface Water Drainage Design
- Transport Statement.

**SITE APPRAISAL**

The land in question (the deposition sites) is in the ownership of the Council.

The application sites largely comprises a linear strip of land which was formerly the line of the mineral railway. It is predominantly flat in its linearity and bounded on one side by the river and on the other an embankment by self-seeded landscaping by trees and shrubs. At one end of the site is the access from the public highway and has a relatively small informal car park for use by visitors who use the track for recreation purposes. Other than for the purpose of removing the slip material and general maintenance of WW/DC apparatus and the riverbank, access by motor vehicles is prohibited. The track is popular with both cyclists and walkers.

The applicants have advised that the site(s) were chosen as they were conveniently located close to the slip and the capacity was considered to be capable of safely accommodating the amount of material required to be stockpiled temporarily.

The closeness of the sites to the landslip also allows the material to be moved in an efficient and timely manner which was also a key consideration given the continuing damage being caused by the diverted river. The alternative was to remove this material in lorries through the narrow and congested streets of the surrounding villages which would cause significant disruption for a considerable period of time.

Four Sites of Interest for Nature Conservation (SINC) were identified within the survey area, which may be impacted. Of these the most relevant are Blaenllechau Woodland (SINC 61) and Old Smokey Slopes (SINC 65).

The majority of the area of RSA is located within Blaenllechau Woodland (only a small area at the north-west of the receptor site extends beyond the SINC boundary).

The majority of RS**B** is also located in Blaenllechau Woodland with the exception of a small area at the south-eastern end of the site which falls within Old Smokey Slopes SINC.

A parcel of ancient woodland was found to be located between RS**A** and RS**B** plus a linear parcel of ancient woodland located approximately 20m to the west and

another linear Ancient woodland parcel located approximately 110m to the south from the RS**B**.

**PLANNING HISTORY**

The land being used is the line of the former mineral railway. There is no recent planning history identifiable pertinent to the consideration of this proposal.

**PUBLICITY**

The application was publicised by site notices being displayed both on and in areas surrounding the application site. As a result of this exercise, one (6 page) letter of objection has been received from an adjoining landowner (Welsh Poultry). Due to the somewhat unusual nature of the application, a copy of this letter has been included as APPENDIX 1.

The points raised can be summarised as follows:

- The use of retrospective planning is criticized, and concern is expressed over the environmental consequences of tipping on RS**B** and that the submitted application is to general and applies to the whole project rather than individual aspects.
- There is criticism about the comprehensiveness of some of the ecological surveys and the limited ecological safeguards included within them.
- There is criticism of the ecological mitigation that is proposed and an absence of a comprehensive environmental compensation strategy.
- There will be an adverse impact on ancient woodland and the work done is one dimensional in its approach.
- The proposals will have an impact on low chemical input farming and RCT as a landowner are “notoriously negligent” in allowing invasive species to both flourish and spread to neighbouring lands. Approval should not be given whilst the applicant continues to work in isolation. A collaborative, comprehensive and detailed mitigation and restoration plan should be requested.
- There is concern about the chemical stability of the material and groundwater contamination.
- Concern is expressed about the consequences of the development flooding downstream by the reduction in the flood plain.
- There are concerns about the use by scramblers (motorcycles) on Council land and a lack of “policing” of activities on it.

Discussions have been held with the objector and it would seem that most of the cause for concern stems from the Council’s decision to transport the tipped material to RS**A**

& RS**B** without consultation with the neighbouring landowners and the disappointment of not considering other alternatives (even in combination). Subsequently, the concern is in respect of the environmental damage that has been caused to prepare RS**A** & RS**B** for receiving the material and the fact that what has been lost cannot be restored or mitigated.

Committee is advised that these issues will be addressed in the PLANNING CONSIDERATIONS section of this report.

**CONSULTATION**

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information:

NRW – have "significant concerns" over aspects of the development and advise on a need for appropriate licenses to be obtained.

Transportation Section – no objection

Public Rights of Way Section – no reply received (therefore no objection)

Countryside, Landscape & Ecology Section – no objection

RCT Drainage Section – no objection

**POLICY CONTEXT**

National Planning Policy

- Planning Policy Wales - Edition 10 (Welsh Government, December 2018)
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009)
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004)
- Circular 22/87 - Development of Contaminated Land (Welsh Office, August 1987)

Local Planning Policy

**Core Policies:**

**Policy CS 1 (Development in the North) -** Ferndale is identified as a key settlement within the Northern Strategy Area and this policy seeks to promote "*accessibility by securing investment in …walking and cycling*" and *"new forms of employment in the leisure and tourism sectors*".

**Area Wide Policies**

**Policy AW 5 –** This policy sets out criteria for new development in relation to amenity and accessibility.

**Policy AW 6** – requires development to involve a high-quality design and to make a positive contribution to place-making, including landscaping.

**Policy AW 8 -** This policy seeks to protect the natural environment from non-sustainable development. It set out a number of tests against which development proposals will be judged.

**Policy AW 10 -** developments proposed must overcome any harm to public health, the environment or local amenity,

**Strategy Area Policies:**

**Policy NSA 20 (Major Road Schemes)** -This policy requires that land will be safeguarded for the implementation of additions to the strategic highway network.

**Policy NSA 23 (Cycle Network Improvements) –** Promotes the extension, improvements and enhancement of the existing networks of cycle paths**.**

**REASONS FOR REACHING THE RECOMMENDATION (PLANNING CONSIDERATIONS)**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed unless material planning considerations justify the grant of planning permission.

It is considered that the principal issues in the consideration of this application are Ecology, Landscape Impact, Public Accessibility, the Water Environment and Transportation Considerations (in no particular order of importance).

Ecology

In terms of species the sites had varying degrees of potential to support protected species, as follows:

- Low suitability for dormouse, roosting bats and badger;
- High suitability for commuting and foraging bats, otter, breeding birds, common amphibians, hedgehogs, reptiles and invertebrates.

The report submitted contains a series of recommendations to deal with the consequences of the development and suggests where any further surveys etc. should be undertaken and impacts on, for example, ancient woodland should be avoided. The draft design and extent of the receptor sites was subsequently amended to completely avoid any impact on the ancient woodland.

It recognised that tree clearance was required on both receptor sites and specifies the basis on which this was to be undertaken (i.e. in accordance with BS5837: Trees

in relation to design, demolition and construction). It also considers briefly what enhancements could be achieved following the deposit of the material.

In addition, and subsequent to the survey, an Ecological Rationale document (included in the application pack), detailing the approach to the ecological management of the works, was produced following consultation with the RCT's Ecologist and Natural Resources Wales (NRW).

Following the Phase 1 Habitat Survey and agreed rationale, the Ecology Consultants sought to develop a methodology detailing (within the context of, and accepting the emergency nature of the works) how the impact on the habitats and species could be minimised and what mitigation measures were required. The draft document was developed and resulted some changes to their proposals for the receptor sites (for example, by excluding the areas identified as ancient woodland from the proposed work areas thereby avoiding any impact on these areas).

The applicant's approach was designed to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement was included as part of the contractor's works information required to be followed during the carrying out all aspects of the remedial works to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement is considered to identify all the protected habitats and species potentially impacted and sets out the necessary mitigation, working practices or other measures required to minimise the development's impact on each of them.

The applicant has also employed an Ecological Clerk of Works who has been on-site during the development and ensuring that it is carried out in accordance with the Ecological Method Statement.

The Ecological Method Statement describes, in detail, all the measures undertaken to protect and prevent damage to SINCs, ancient woodland, trees and other priority habitats, protected and priority species and measures to control invasive plant species.

It will be a requirement of a future application that seeks to remove or remodel the stockpiled material will need to include a full set of mitigation and enhancement measures to compensate for the loss of habitat that has been necessary to facilitate this development. Committee is advised that there is little meaningful mitigation and enhancement that can be carried out in respect of the existing situation (but still requires it to be addressed through the imposition of a condition) and it will be important for the applicant to consider how best to avoid the colonisation of the

tipped material by species that could, have an impact on future plans to remove the material (such as Great Crested Newts).

As part of the application, both the Council's Ecologist and NRW were consulted.

While having "significant concerns" NRW have requested the inclusion of a condition that seeks to improve and enhance the habitat for otters (which are a European Protected Species). Committee is advised that Condition 3 is considered to address this concern. Upon submission of the details required, both RCT's Ecologist and NRW will be consulted to consider any proposals.

RCTs Ecologist has advised:

In the late spring, a series of meetings were held (which included NRW) in order to progress emergency tip removal works at Tylorstown Tip. At that stage the emergency nature of the works was not subject to a planning application requirement. However, protected species issues and minimisation of impacts to SINC habitat were identified as priority environmental considerations in undertaking the emergency works. As such Redstart undertook preliminary ecological assessment in May 2020 which identified the following key ecological issues:

- SINC habitat impacts,
- nesting bird,
- reptile,
- otter,
- fish spawning and
- river pollution.

As a result, a series of precautionary measures to ensure adherence with wildlife law and minimisation of ecological impact were identified and implemented in the clearance and setting up of the receptor sites and in implementing associated works involved in moving spoil from the river and adjacent hillside.

These recommendations included ecological supervision for clearance works and tip removal / re-deposition, species mitigation (in particular nesting bird, otter and reptile), avoidance of adjacent key habitats, and adherence with NRW requirements in terms of river working, pollution controls and avoidance of fish spawning impacts.

The ecological measures identified for the emergency works were appropriate to the situation and circumstances and were ecologically supervised by Ecologists from Redstart.

Therefore, in terms of the current planning application for the two receptor sites, the ecological impacts of the receptor site clearance and much of the impacts of spoil removal has already been completed. In addition, any on-going works to complete this emergency phase are subject to the same attached method statement. As such, I would suggest that perhaps we could condition the continued implementation of the attached ecological rationale for any completion works required through this planning application.

As the ecological rationale identifies, mitigation and compensatory ecological measures in the form of an ecological restoration of the receptor sites, formed an important part of the ecological mitigation of the emergency works. SINC habitat has been affected by the landslip and emergency works. As such Policy AW8 of the LDP is relevant and ecological mitigation in terms of habitat restoration is an important consideration. Fortunately, there is considerable potential to engineer the final landforms of the receptor sites, and to re-use colliery spoil, to create conditions for species rich colliery spoil habitats to recolonise the receptor areas, and to implement simple /effective aftercare management. Colliery spoil grassland based on the local seedbank is a diverse, and species rich habitat, of particular value for a range of invertebrate species (including many pollinators). There is also potential to 'design in' the river bank restoration enhancement measures for species such as otter. So therefore, this application does have the ability to deliver effective ecological mitigation (and potential enhancement) in line with LDP policy AW8.

In light of the above comments, it is considered that the proposal is in accord with Policy AW5, AW8 and AW10 of the Local Development Plan.

Landscape Impact,

The site, while being on the valley floor, is publicly visible from a number of directions including public highways, the Sports Centre car park, residential properties and users of the leisure route that is the former mineral railway line.

The applicant, since the original submission, has subsequently advised that RS**A** (1&2) will now receive significantly less material than originally envisaged, which accordingly lessens any impact. However, there will still be a very visible, very large, mount of earth type material within a countryside location that was previously a well vegetated landscape and, as such forms a very alien feature within the landscape.

The applicant has not made any proposals to landscape the mound(s) due to the temporary nature of its siting. Some limited works are proposed but are predominantly designed in the interest of ecological mitigation.

In reaching a decision, Committee will need to be satisfied that any impact is acceptable, at least for a period of up to 3 years. The residential properties along Station Road and George Street are located closest to the receptor sites and some impact is very evident however, these properties are at a much higher level than the

application site where most views are directly across the valley rather than looking directly at the stockpiled material. It is therefore considered that, while a negative impact is acknowledged, it will not cause significant impact to local residents such as to warrant the refusal of the application. In addition, the outlook is not considered to be any worse that the devastation caused by the landslip which would have had a similar negative impact which, if it hadn't caused so much damage to the river and sewer could have been left in situ much longer than through the Council's intervention.

Accordingly, it is considered that the proposal complies with Policies AW5, AW8 & AW10 of the Local Development Plan.

Public Accessibility

The sites under consideration form part of an attractive walking and cycling route along the line of the former railway. It is part of the SUSTRANS National Cycle Network (Route 881). Due to the activity of construction traffic, this route has had to be temporarily closed, with the land slip effectively doing the same job when the incident occurred in February, albeit to a lesser extent.

Once work is complete and the necessary safety inspections have taken place, the route will again be open to the public. While any closure of a recreation facility it regrettable, especially in these difficult times, it is considered both reasonable and necessary under the circumstances the applicant was faced with.

The Water Environment

As part of the application, the applicant submitted a Flood Consequence Assessment. Amongst other considerations, one of its main aims was to establish what, if any, implications the creation of large earth mounds next to the river would have on land and properties downstream.

The application proposes "less vulnerable" development as defined by TAN15. NRW's Flood Risk Maps confirmed that part of the site is within Zone C2. In their consultation response, NRW have advised "*Given that only a small proportion of the material is located within the flood zones and Section 5.1 of the submittred FCA……states that the material will be consolidated and the risk of any movement is minor, we have no objection on flood risk ground to the applications as submitted*".

In respect of the potential for land contamination and controlled waters, NRW have "welcomed" the applicant's proposal for further site investigations as outlined in the Receptor Site B Preliminary Sources (Desk) Study Report prepared by Redstart. Recommendations have been made by NRW and subsequently passed on to the applicant.

NRW have expressed "significant concerns" in respect of this development but discussions with them have identified that such concern lies largely outside of the Planning system. They have stated the need (prescribed by TAN15) for the LPA to

consider whether the “less vulnerable” development but within a C2 Flood Zone meets the relevant tests set out in the TAN. The tests are:

“*New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied recognising, however that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-*

- *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or local authority strategy required to sustain an existing settlement;* ***or***

- *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

*and*

- *It concurs with the aims of PPW and meets the needs of previously developed land and,*

- *The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 & 7 and appendix 1 found to be acceptable.”*

Members will be familiar with these tests which have been reported in such recent applications as the Industrial Unit development at Robertstown and the new Surgery in Mountain Ash.

Members are advised that Planning policies (both national and local) are written so as to require certain information to be carried out prior to the submission of any application where any impacts can first be identified and mitigated. Policies rarely (if at all) allow for the possibility of emergency works to take place nor offer any exemptions in such circumstances. Clearly policies need to be robust enough so as to deter applicants from undertaking developments without first applying for Planning permission however, there are rare occasions, where this simply isn’t possible. This is one such case. Failure to carry out the work will have certainly had an adverse effect on the existing settlements in that area and the blocking of the river channel would have had significant consequences if left in situ. Appropriate advice was taken prior to any works taking place and, in the submission of the application, was fully justified in the proposals put forward. The principal (and principle) aim of TAN15 is to avoid flooding, protect the lives of people in such areas and, in undertaking the development, to prevent the possibility of properties downstream of the development to be at a

greater risk of flooding. The applicant has submitted a Flood Consequence Assessment which demonstrates this and NRW have not objected to the information submitted. In light of this, while the development is out of accordance with the tests in TAN15, the consequences of flooding have been appropriately managed and are found to be acceptable.

A Surface Water Drainage Strategy has been submitted to deal with the run-off using SuDS. A separate application has been made to the Council as the SuDS Approving Body (SAB) for approval of the proposed surface water design. Details of this have been submitted with the application. The applicant has stated:

*"Whilst the individual stockpiles have been designed and shaped to reflect the local topographic constraints, they have each taken the form of a single batter with a variable height berm tying into the existing hillside. The surface water draining arrangements for all three receptor sites share the following common features:*

- *A swale drain running along the rear of the as it interfaces with the existing hillside this collects the runoff from the berm face as well as intercepting runoff from the hillside above the berm that would otherwise drain towards the stockpile and directing it around the stockpile.*
- *A swale drain running along the toe of the batter as it meets the existing ground. This swale collects the runoff from the batter face;*
- *One or more cascade features that transfer flow from the rear swale down to the level of the toe swale; and*
- *A culvert connection that collects flow from the above features and directs it to the point of discharge.*

*The cascade will consist of a steep brick lined channel with a stepped profile similar to another cascade in the area. The final detailed design and materials of this and other drainage features are still to be determined. These will follow the final approved SAB design, therefore the applicant is content for these to be subject to a suitably worded condition in any approval".*

No objections have been received from the Council's Drainage Section although the issue of surface water drainage is considered (and regulated) outside of the Planning system.

In light of the above comments, it is considered that the development, in respect of the water environment, complies with the relevant policies (AW5, AW8 & AW10) in the LDP

Transportation Considerations.

The proposals represent a significant increase in the amount of vehicular (largely construction) traffic using this area. The majority of traffic will be active within the site and not using the surrounding public highway due to the proximity of the Receptor

Areas to the slipped material. Should an alternative receptor site have been proposed then there would be a considerable impact on the local highway network with a significant volume of material having no alternative other than to be carried throughout the roads and streets of the surrounding villages. While this could, potentially, be the subject of a future proposal (following the expiry of the temporary period sought), this application makes no such proposal and, accordingly the Council's Transportation Section has no objection to the current proposal.

In the LDP, Policy NSA20 (Major Road Schemes) includes the proposed route of the Upper Rhondda Fach Relief Road, the line of which follows the former railway line adjacent to the application site. A section of route from Port to Pontygwaith was opened in 2006/7 and there are currently no active plans to extend this route to Ferndale. Whilst the prospect of a scheme coming forward within the current plan period is unlikely, the stockpiling is not considered to affect such a proposal and is therefore not considered to be in conflict with this policy.

Accordingly, it is considered that any transport considerations are acceptable and comply with Policy AW5 of the Local Development Plan.

Objection letter

One letter of objection was received as part of this application. This has been summarised as part of the PUBLICITY section and copied for Committee's information as APPENDIX 1. A copy of this letter was also sent to the applicant who has responded to the comments on an issue-by-issue basis.

Members are advised that, while there may have been other options for the removal and storage of the slipped material, the applicant (the Council) has made an application to remove the material to the site identified and, as the Local Planning Authority, Committee must make a determination based on the strengths and weaknesses of the proposed development - rather than considering an alternative. The objector is correct that environmental damage has been done by the removal of trees and preparatory works in anticipation of receiving the tipped material however such work was carried out only after having received appropriate advice.. While this may be regrettable, neither the Council's Ecologist or NRW have offered any objection and it is considered that, upon removal or reprofiling of the material, it will be possible to both mitigate and enhance environmental / ecological.

A concern was also expressed that there was a lack of consultation (presumably by the applicant) with adjoining landowners to come up with an acceptable solution. While this is a matter for the applicant, the circumstances surrounding the need to remove the material from the river meant that this was, perhaps, not the most pressing issue. In terms of the Planning process, the application has been advertised in accordance with the Regulations and it is understood that this publicity served its purpose in enabling local residents to make any comments.

A concern was expressed about lack of surveys, ecological mitigation and impact on ancient woodland accompanying the application. Committee is advised that none of the respective consultees requested or required the submission of any additional surveys and the impact on the ancient woodland has been avoided. In light of this, the work submitted with the application is considered acceptable.

The objection letter refers to the insufficient justification for the choice of sites however, this is not a requirement and the application must be considered on its own merits.

The objector has raised an issue in respect of the presence and spread of invasive species. The applicant has prepared an Invasive Plant Species Method Statement to help prevent the spread of such species off site however, due to the nature of the land slip and the emergency works to clear the river channel, it was not possible to check whether the slip material contained any such species. The applicants have advised that the receptor sites will be monitored for the emergence of invasive plant species and a management / eradication regime will be carried out if required.

The objector is also concerned about the approach to groundwater pollution risks arising from the deposited material. Committee is referred to the response given by NRW earlier in this report.

Similarly, concerns in relation to flooding have been made. Again, Committee's attention is drawn to the consultation response from NRW.

Finally, comments are raised in respect of potential future uses, however Committee is advised that these are not a consideration of this application.

Other issues

As part of the application, the Council's Public Health & Protection Section was consulted. No objections were received but "standard" conditions were suggested in respect of noise, dust and other nuisances. While these comments have been noted, Committee is advised that the development is now largely complete. No adverse comments (complaints) have been received in respect of the works so far and, in the absence of a Planning consent, separate legislation exists (outside of the Planning system) to deal with such issues. Accordingly, Committee is advised that the imposition of conditions to this effect are not considered necessary but can be addressed directly (under Public Health legislation) should problems occur. In the final weeks of the operation.

The consultation response from NRW highlights the need for the applicant to have obtained various permits and licenses from NRW as part of this development. Committee is advised that it is not the role of the Planning system to consider issues other than material Planning considerations, which they are not. Accordingly, the report does not make any comments in this respect, but the applicant is aware of potential issues from ongoing discussions with NRW.

**Conclusions**

The application(s) is(are) relatively simple in what is proposed. It seeks the temporary storage / stockpiling of material resulting from the landslip which occurred in February of 2020. It is clear that the works that are under consideration are both proportionate and necessary given the circumstances of the situation.

The impacts (environmental and otherwise) of the works are not considered to be significant and the retention and completion of the earth movements are considered acceptable.

As the works are largely complete (scheduled to be completed in February) it is not considered that any many additional conditions are necessary other than to define the plans and documents that comprise the proposal (including mitigation) and the duration of the storage of the material (and its subsequent removal / reprofiling). While the works are largely retrospective (for the reasons given earlier in the report)

Committee is required to determine the application on its individual merits and the fact that the majority of the material has already been removed is not considered to be a material planning consideration. Should Committee decide to refuse the application(s) then it will be necessary to remove the material to an alternative location (which would likely require the submission of another planning application)

Committee is advised that there may be some unresolved issues in respect of the respective consenting regimes operated by NRW however these do not impact on the consideration of the planning application(s).

**RECOMMENDATION: Grant**

1. The development shall be carried out in accordance with the Plans & Documents contained within the Design, Access and Planning Statement dated November 2020 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

   Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. Within 2 years from the date of the consent, a scheme for the removal / reprofiling of the tipped material (including restoration and environmental mitigation and enhancement measures) shall be submitted to, and approved in writing by, the Local Planning Authority. The material shall be removed / reprofiled in accordance with the scheme as may be approved before the expiry of 3 years from the date of this consent and the environmental mitigation and enhancement measures carried out in accordance with the

approved details (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To clarify the duration of the consent and to ensure that the site is returned to its original condition or the Local Planning Authority has an opportunity to formally consider an alternative proposal in the interests of Ecology and Visual Amenity in accordance with Policies AW5. AW8 & AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Within 3 months of the date of this consent, a scheme shall be submitted to the Local Planning Authority detailing works to be carried out to the river environment for an improved and enhanced habitat for otters. The scheme shall identify an appropriate timescale for the works to be undertaken and a regime to monitor its effectiveness. The scheme shall be carried out in accordance with any approval.

   Reason: The otter is a European Protected Species and it is a requirement where a proposal impacts on such a habitat that, following the development, the habitat is not only maintained but also enhanced, and in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to completion of the final (temporary) landform, details of an ecological mitigation and restoration for the receptor sites and riverbank (including timescales) will be submitted to the Local Planning Authority. The works shall be carried out in accordance with any approval and maintained for the duration of the development.

   Reason: in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

tudalen wag

RHONDDA CYNON TAF

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JANUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

## PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined below:

| | |
|---|---|
| **APPLICATION NO:** | 20/1312/08 & 20/1313/08 **(CHJ)** |
| **APPLICANT:** | **Cyngor Rhondda Cynon Taf Council** |
| **20/1312/08** | |
| **DEVELOPMENT:** | Temporary deposit and storage of approximately 8,000m3 of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective) |
| **LOCATION:** | **STATION ROAD, FERNDALE** |
| **20/1313/08** | |
| **DEVELOPMENT:** | Temporary deposit and storage of approximately 22,000m3 of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective) |
| **LOCATION:** | **LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE** |
| **DATE REGISTERED:** | **19/11/2020** |
| **ELECTORAL DIVISION:** | **Ferndale** |

**RECOMMENDATION: Approval subject to the conditions below.**

**REASONS: The development, while largely retrospective, has been necessary to remediate the landslip that occurred earlier this year. Fortunately, nobody was injured as a result of this incident, but it was clear that action to remove the material from the river was urgently necessary.**

**The proposal represents the most efficient and environmentally sustainable of the (limited) options available. While the stockpiling of this material will have some negative visual impact, it is necessary (for safety reasons) to dry out the**

**material before it can be worked and will only be for a temporary period before being removed / remodelled. This will be the subject of a separate planning application (to be made at a future date)**

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**REASON APPLICATION REPORTED TO COMMITTEE**: The nature of the application, while potentially capable of being considered under the Council's Scheme of Delegation, is such that a Committee determination is considered more appropriate.

## BACKGROUND INFORMATION

On 16th February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail above the village of Tylorstown resulting in a large landslip followed by a smaller, secondary event.

The consequence was that approximately 30,000 cubic metres of colliery tip material slid down the slope and filled the valley bottom from the "toe" of the slope outwards in an extremely low angled and widely distributed debris envelope. This subsequently filled the River/Afon Rhondda Fach diverting its course to the western side of the valley bottom. The diverted river began eroding the western bank of the river creating a vertically unstable face of approximately 5 metres which threatened to undermine the Rhondda Fach Leisure Centre car park adjacent to the top of the bank.

The slipped material also seriously damaged and breached a main sewer beneath the Leisure Centre downstream of the landslide "toe" and felled numerous trees in its wake and covered a water main below the former railway line which is used as a (non-motorised) leisure route.

## APPLICATION DETAILS

The development which is the subject of this application is partially (largely) retrospective and was started without the benefit of planning consent due to the threat to the local buildings and infrastructure caused by the landslip and extensive scouring from the diverted river. Committee is reassured that, while the work may be retrospective, the applicants (the Council) sought early advise from both the Countryside, Landscape & Ecology Section and the Development Control (Planning) Section (as well as other in-house technical experts) before any work had commenced.

Committee is advised that there have been two applications submitted, one for each respective receptor site although the access to these sites are the same (essentially a haul road). Members may also note that the two reports are, largely, identical in content and considerations and while the scheme as a whole can be debated together, two separate determinations are required.

Both sites (referred to as **A** & **B**) are being used simultaneously for the stockpiling of material. Receptor Site A (RS**A**) is further away (approximately 1km) from the slip

material and Receptor Site B (RS**B**) is approximately 600 metres away from the slipped material.

Both sites are long linear strips of land the width of which has been dictated by the landform with a steep embankment to the north and the river to the south. RSA is actually divided into two parcels. The presence of two mine shafts have prevented this from being one area. RS**B** is wider than RS**A** but RS**A** is considerably longer. The majority of the material will be stored on RS**B** which is closest to the land slip area.

Work to deposit the material on the receptor sites began in July 2020 and is expected to continue until February 2021.

RS**A** (1 & 2) is proposed to accommodate approximately 8000 cubic metres with a maximum height of 5.5 metres however, the applicant has subsequently advised that A1 has only 800 cubic metres and A2 has nothing at all. RS**B** can accommodate 22,000 cubic metres with a maximum height of 8 metres. Committee is advised that the maximum heights are largely dictated by safety considerations although RS**A** is unlikely to be receiving the amounts of material envisaged (largely due to the good compaction rate of the material excavated so far).

The track (haul road) has had to undergo some strengthening in places and the addition of passing bays however these will be removed following completion of the work and the track returned to its original condition.

The application proposes temporary storage of this material for a period not exceeding 3 years. This allows sufficient time for consultation / monitoring prior to the submission of a planning application for the permanent scheme and it allows sufficient time following the Planning process to programme the work to ensure that it is undertaken during the most advantageous season to reduce any risks in respect of access, management of the material and ecological mitigation.

The applicant will not be precluded from removing the stockpiles before the end of this period subject to obtaining the necessary consents.

The documentation included with the application comprises:

- A Design & Access Statement (incorporating a Planning Statement)
- A Community Infrastructure Levy Declaration
- An EIA Screening Opinion & Response
- Extended Phase 1 Habitat Survey
- Ecological Rationale
- Ecological Method Statement
- Flood Consequences Assessment

- Coal Mining Risk assessment
- Chemical Stability Assessment
- Preliminary Sources Study Report
- Surface Water Drainage Design
- Transport Statement.

**SITE APPRAISAL**

The land in question (the deposition sites) is in the ownership of the Council.

The application sites largely comprises a linear strip of land which was formerly the line of the mineral railway. It is predominantly flat in its linearity and bounded on one side by the river and on the other an embankment by self-seeded landscaping by trees and shrubs. At one end of the site is the access from the public highway and has a relatively small informal car park for use by visitors who use the track for recreation purposes. Other than for the purpose of removing the slip material and general maintenance of WW/DC apparatus and the riverbank, access by motor vehicles is prohibited. The track is popular with both cyclists and walkers.

The applicants have advised that the site(s) were chosen as they were conveniently located close to the slip and the capacity was considered to be capable of safely accommodating the amount of material required to be stockpiled temporarily.

The closeness of the sites to the landslip also allows the material to be moved in an efficient and timely manner which was also a key consideration given the continuing damage being caused by the diverted river. The alternative was to remove this material in lorries through the narrow and congested streets of the surrounding villages which would cause significant disruption for a considerable period of time.

Four Sites of Interest for Nature Conservation (SINC) were identified within the survey area, which may be impacted. Of these the most relevant are Blaenllechau Woodland (SINC 61) and Old Smokey Slopes (SINC 65).

The majority of the area of RSA is located within Blaenllechau Woodland (only a small area at the north-west of the receptor site extends beyond the SINC boundary).

The majority of RS**B** is also located in Blaenllechau Woodland with the exception of a small area at the south-eastern end of the site which falls within Old Smokey Slopes SINC.

A parcel of ancient woodland was found to be located between RS**A** and RS**B** plus a linear parcel of ancient woodland located approximately 20m to the west and

another linear Ancient woodland parcel located approximately 110m to the south from the RS**B**.

**PLANNING HISTORY**

The land being used is the line of the former mineral railway. There is no recent planning history identifiable pertinent to the consideration of this proposal.

**PUBLICITY**

The application was publicised by site notices being displayed both on and in areas surrounding the application site. As a result of this exercise, one (6 page) letter of objection has been received from an adjoining landowner (Welsh Poultry). Due to the somewhat unusual nature of the application, a copy of this letter has been included as APPENDIX 1.

The points raised can be summarised as follows:

- The use of retrospective planning is criticized, and concern is expressed over the environmental consequences of tipping on RS**B** and that the submitted application is to general and applies to the whole project rather than individual aspects.
- There is criticism about the comprehensiveness of some of the ecological surveys and the limited ecological safeguards included within them.
- There is criticism of the ecological mitigation that is proposed and an absence of a comprehensive environmental compensation strategy.
- There will be an adverse impact on ancient woodland and the work done is one dimensional in its approach.
- The proposals will have an impact on low chemical input farming and RCT as a landowner are “notoriously negligent” in allowing invasive species to both flourish and spread to neighbouring lands. Approval should not be given whilst the applicant continues to work in isolation. A collaborative, comprehensive and detailed mitigation and restoration plan should be requested.
- There is concern about the chemical stability of the material and groundwater contamination.
- Concern is expressed about the consequences of the development flooding downstream by the reduction in the flood plain.
- There are concerns about the use by scramblers (motorcycles) on Council land and a lack of “policing” of activities on it.

Discussions have been held with the objector and it would seem that most of the cause for concern stems from the Council’s decision to transport the tipped material to RS**A**

& RS**B** without consultation with the neighbouring landowners and the disappointment of not considering other alternatives (even in combination). Subsequently, the concern is in respect of the environmental damage that has been caused to prepare RS**A** & RS**B** for receiving the material and the fact that what has been lost cannot be restored or mitigated.

Committee is advised that these issues will be addressed in the PLANNING CONSIDERATIONS section of this report.

**CONSULTATION**

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information:

NRW – have "significant concerns" over aspects of the development and advise on a need for appropriate licenses to be obtained.

Transportation Section – no objection

Public Rights of Way Section – no reply received (therefore no objection)

Countryside, Landscape & Ecology Section – no objection

RCT Drainage Section – no objection

**POLICY CONTEXT**

National Planning Policy

- Planning Policy Wales - Edition 10 (Welsh Government, December 2018)
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009)
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004)
- Circular 22/87 - Development of Contaminated Land (Welsh Office, August 1987)

Local Planning Policy

**Core Policies:**

**Policy CS 1 (Development in the North) -** Ferndale is identified as a key settlement within the Northern Strategy Area and this policy seeks to promote "*accessibility by securing investment in …walking and cycling*" and *"new forms of employment in the leisure and tourism sectors*".

**Area Wide Policies**

**Policy AW 5 –** This policy sets out criteria for new development in relation to amenity and accessibility.

**Policy AW 6** – requires development to involve a high-quality design and to make a positive contribution to place-making, including landscaping.

**Policy AW 8 -** This policy seeks to protect the natural environment from non-sustainable development. It set out a number of tests against which development proposals will be judged.

**Policy AW 10 -** developments proposed must overcome any harm to public health, the environment or local amenity,

**Strategy Area Policies:**

**Policy NSA 20 (Major Road Schemes)** -This policy requires that land will be safeguarded for the implementation of additions to the strategic highway network.

**Policy NSA 23 (Cycle Network Improvements) –** Promotes the extension, improvements and enhancement of the existing networks of cycle paths**.**

**REASONS FOR REACHING THE RECOMMENDATION (PLANNING CONSIDERATIONS)**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed unless material planning considerations justify the grant of planning permission.

It is considered that the principal issues in the consideration of this application are Ecology, Landscape Impact, Public Accessibility, the Water Environment and Transportation Considerations (in no particular order of importance).

<u>Ecology</u>

In terms of species the sites had varying degrees of potential to support protected species, as follows:

- Low suitability for dormouse, roosting bats and badger;
- High suitability for commuting and foraging bats, otter, breeding birds, common amphibians, hedgehogs, reptiles and invertebrates.

The report submitted contains a series of recommendations to deal with the consequences of the development and suggests where any further surveys etc. should be undertaken and impacts on, for example, ancient woodland should be avoided. The draft design and extent of the receptor sites was subsequently amended to completely avoid any impact on the ancient woodland.

It recognised that tree clearance was required on both receptor sites and specifies the basis on which this was to be undertaken (i.e. in accordance with BS5837: Trees

in relation to design, demolition and construction). It also considers briefly what enhancements could be achieved following the deposit of the material.

In addition, and subsequent to the survey, an Ecological Rationale document (included in the application pack), detailing the approach to the ecological management of the works, was produced following consultation with the RCT's Ecologist and Natural Resources Wales (NRW).

Following the Phase 1 Habitat Survey and agreed rationale, the Ecology Consultants sought to develop a methodology detailing (within the context of, and accepting the emergency nature of the works) how the impact on the habitats and species could be minimised and what mitigation measures were required. The draft document was developed and resulted some changes to their proposals for the receptor sites (for example, by excluding the areas identified as ancient woodland from the proposed work areas thereby avoiding any impact on these areas).

The applicant's approach was designed to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement was included as part of the contractor's works information required to be followed during the carrying out all aspects of the remedial works to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement is considered to identify all the protected habitats and species potentially impacted and sets out the necessary mitigation, working practices or other measures required to minimise the development's impact on each of them.

The applicant has also employed an Ecological Clerk of Works who has been on-site during the development and ensuring that it is carried out in accordance with the Ecological Method Statement.

The Ecological Method Statement describes, in detail, all the measures undertaken to protect and prevent damage to SINCs, ancient woodland, trees and other priority habitats, protected and priority species and measures to control invasive plant species.

It will be a requirement of a future application that seeks to remove or remodel the stockpiled material will need to include a full set of mitigation and enhancement measures to compensate for the loss of habitat that has been necessary to facilitate this development. Committee is advised that there is little meaningful mitigation and enhancement that can be carried out in respect of the existing situation (but still requires it to be addressed through the imposition of a condition) and it will be important for the applicant to consider how best to avoid the colonisation of the

tipped material by species that could, have an impact on future plans to remove the material (such as Great Crested Newts).

As part of the application, both the Council's Ecologist and NRW were consulted.

While having "significant concerns" NRW have requested the inclusion of a condition that seeks to improve and enhance the habitat for otters (which are a European Protected Species). Committee is advised that Condition 3 is considered to address this concern. Upon submission of the details required, both RCT's Ecologist and NRW will be consulted to consider any proposals.

RCTs Ecologist has advised:

In the late spring, a series of meetings were held (which included NRW) in order to progress emergency tip removal works at Tylorstown Tip. At that stage the emergency nature of the works was not subject to a planning application requirement. However, protected species issues and minimisation of impacts to SINC habitat were identified as priority environmental considerations in undertaking the emergency works. As such Redstart undertook preliminary ecological assessment in May 2020 which identified the following key ecological issues:

- SINC habitat impacts,
- nesting bird,
- reptile,
- otter,
- fish spawning and
- river pollution.

As a result, a series of precautionary measures to ensure adherence with wildlife law and minimisation of ecological impact were identified and implemented in the clearance and setting up of the receptor sites and in implementing associated works involved in moving spoil from the river and adjacent hillside.

These recommendations included ecological supervision for clearance works and tip removal / re-deposition, species mitigation (in particular nesting bird, otter and reptile), avoidance of adjacent key habitats, and adherence with NRW requirements in terms of river working, pollution controls and avoidance of fish spawning impacts.

The ecological measures identified for the emergency works were appropriate to the situation and circumstances and were ecologically supervised by Ecologists from Redstart.

Therefore, in terms of the current planning application for the two receptor sites, the ecological impacts of the receptor site clearance and much of the impacts of spoil removal has already been completed. In addition, any on-going works to complete this emergency phase are subject to the same attached method statement. As such, I would suggest that perhaps we could condition the continued implementation of the attached ecological rationale for any completion works required through this planning application.

As the ecological rationale identifies, mitigation and compensatory ecological measures in the form of an ecological restoration of the receptor sites, formed an important part of the ecological mitigation of the emergency works. SINC habitat has been affected by the landslip and emergency works. As such Policy AW8 of the LDP is relevant and ecological mitigation in terms of habitat restoration is an important consideration. Fortunately, there is considerable potential to engineer the final landforms of the receptor sites, and to re-use colliery spoil, to create conditions for species rich colliery spoil habitats to recolonise the receptor areas, and to implement simple /effective aftercare management. Colliery spoil grassland based on the local seedbank is a diverse, and species rich habitat, of particular value for a range of invertebrate species (including many pollinators). There is also potential to 'design in' the river bank restoration enhancement measures for species such as otter. So therefore, this application does have the ability to deliver effective ecological mitigation (and potential enhancement) in line with LDP policy AW8.

In light of the above comments, it is considered that the proposal is in accord with Policy AW5, AW8 and AW10 of the Local Development Plan.

Landscape Impact,

The site, while being on the valley floor, is publicly visible from a number of directions including public highways, the Sports Centre car park, residential properties and users of the leisure route that is the former mineral railway line.

The applicant, since the original submission, has subsequently advised that RS**A** (1&2) will now receive significantly less material than originally envisaged, which accordingly lessens any impact. However, there will still be a very visible, very large, mount of earth type material within a countryside location that was previously a well vegetated landscape and, as such forms a very alien feature within the landscape.

The applicant has not made any proposals to landscape the mound(s) due to the temporary nature of its siting. Some limited works are proposed but are predominantly designed in the interest of ecological mitigation.

In reaching a decision, Committee will need to be satisfied that any impact is acceptable, at least for a period of up to 3 years. The residential properties along Station Road and George Street are located closest to the receptor sites and some impact is very evident however, these properties are at a much higher level than the

application site where most views are directly across the valley rather than looking directly at the stockpiled material. It is therefore considered that, while a negative impact is acknowledged, it will not cause significant impact to local residents such as to warrant the refusal of the application. In addition, the outlook is not considered to be any worse that the devastation caused by the landslip which would have had a similar negative impact which, if it hadn't caused so much damage to the river and sewer could have been left in situ much longer than through the Council's intervention.

Accordingly, it is considered that the proposal complies with Policies AW5, AW8 & AW10 of the Local Development Plan.

Public Accessibility

The sites under consideration form part of an attractive walking and cycling route along the line of the former railway. It is part of the SUSTRANS National Cycle Network (Route 881). Due to the activity of construction traffic, this route has had to be temporarily closed, with the land slip effectively doing the same job when the incident occurred in February, albeit to a lesser extent.

Once work is complete and the necessary safety inspections have taken place, the route will again be open to the public. While any closure of a recreation facility it regrettable, especially in these difficult times, it is considered both reasonable and necessary under the circumstances the applicant was faced with.

The Water Environment

As part of the application, the applicant submitted a Flood Consequence Assessment. Amongst other considerations, one of its main aims was to establish what, if any, implications the creation of large earth mounds next to the river would have on land and properties downstream.

The application proposes "less vulnerable" development as defined by TAN15. NRW's Flood Risk Maps confirmed that part of the site is within Zone C2. In their consultation response, NRW have advised "*Given that only a small proportion of the material is located within the flood zones and Section 5.1 of the submittred FCA……states that the material will be consolidated and the risk of any movement is minor, we have no objection on flood risk ground to the applications as submitted*".

In respect of the potential for land contamination and controlled waters, NRW have "welcomed" the applicant's proposal for further site investigations as outlined in the Receptor Site B Preliminary Sources (Desk) Study Report prepared by Redstart. Recommendations have been made by NRW and subsequently passed on to the applicant.

NRW have expressed "significant concerns" in respect of this development but discussions with them have identified that such concern lies largely outside of the Planning system. They have stated the need (prescribed by TAN15) for the LPA to

consider whether the “less vulnerable” development but within a C2 Flood Zone meets the relevant tests set out in the TAN. The tests are:

“*New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied recognising, however that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-*

- *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or local authority strategy required to sustain an existing settlement;* ***or***

- *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

*and*

- *It concurs with the aims of PPW and meets the needs of previously developed land and,*

- *The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 & 7 and appendix 1 found to be acceptable.”*

Members will be familiar with these tests which have been reported in such recent applications as the Industrial Unit development at Robertstown and the new Surgery in Mountain Ash.

Members are advised that Planning policies (both national and local) are written so as to require certain information to be carried out prior to the submission of any application where any impacts can first be identified and mitigated. Policies rarely (if at all) allow for the possibility of emergency works to take place nor offer any exemptions in such circumstances. Clearly policies need to be robust enough so as to deter applicants from undertaking developments without first applying for Planning permission however, there are rare occasions, where this simply isn’t possible. This is one such case. Failure to carry out the work will have certainly had an adverse effect on the existing settlements in that area and the blocking of the river channel would have had significant consequences if left in situ. Appropriate advice was taken prior to any works taking place and, in the submission of the application, was fully justified in the proposals put forward. The principal (and principle) aim of TAN15 is to avoid flooding, protect the lives of people in such areas and, in undertaking the development, to prevent the possibility of properties downstream of the development to be at a

greater risk of flooding. The applicant has submitted a Flood Consequence Assessment which demonstrates this and NRW have not objected to the information submitted. In light of this, while the development is out of accordance with the tests in TAN15, the consequences of flooding have been appropriately managed and are found to be acceptable.

A Surface Water Drainage Strategy has been submitted to deal with the run-off using SuDS. A separate application has been made to the Council as the SuDS Approving Body (SAB) for approval of the proposed surface water design. Details of this have been submitted with the application. The applicant has stated:

*"Whilst the individual stockpiles have been designed and shaped to reflect the local topographic constraints, they have each taken the form of a single batter with a variable height berm tying into the existing hillside. The surface water draining arrangements for all three receptor sites share the following common features:*

- *A swale drain running along the rear of the as it interfaces with the existing hillside this collects the runoff from the berm face as well as intercepting runoff from the hillside above the berm that would otherwise drain towards the stockpile and directing it around the stockpile.*
- *A swale drain running along the toe of the batter as it meets the existing ground. This swale collects the runoff from the batter face;*
- *One or more cascade features that transfer flow from the rear swale down to the level of the toe swale; and*
- *A culvert connection that collects flow from the above features and directs it to the point of discharge.*

*The cascade will consist of a steep brick lined channel with a stepped profile similar to another cascade in the area. The final detailed design and materials of this and other drainage features are still to be determined. These will follow the final approved SAB design, therefore the applicant is content for these to be subject to a suitably worded condition in any approval".*

No objections have been received from the Council's Drainage Section although the issue of surface water drainage is considered (and regulated) outside of the Planning system.

In light of the above comments, it is considered that the development, in respect of the water environment, complies with the relevant policies (AW5, AW8 & AW10) in the LDP

Transportation Considerations.

The proposals represent a significant increase in the amount of vehicular (largely construction) traffic using this area. The majority of traffic will be active within the site and not using the surrounding public highway due to the proximity of the Receptor

Areas to the slipped material. Should an alternative receptor site have been proposed then there would be a considerable impact on the local highway network with a significant volume of material having no alternative other than to be carried throughout the roads and streets of the surrounding villages. While this could, potentially, be the subject of a future proposal (following the expiry of the temporary period sought), this application makes no such proposal and, accordingly the Council's Transportation Section has no objection to the current proposal.

In the LDP, Policy NSA20 (Major Road Schemes) includes the proposed route of the Upper Rhondda Fach Relief Road, the line of which follows the former railway line adjacent to the application site. A section of route from Port to Pontygwaith was opened in 2006/7 and there are currently no active plans to extend this route to Ferndale. Whilst the prospect of a scheme coming forward within the current plan period is unlikely, the stockpiling is not considered to affect such a proposal and is therefore not considered to be in conflict with this policy.

Accordingly, it is considered that any transport considerations are acceptable and comply with Policy AW5 of the Local Development Plan.

Objection letter

One letter of objection was received as part of this application. This has been summarised as part of the PUBLICITY section and copied for Committee's information as APPENDIX 1. A copy of this letter was also sent to the applicant who has responded to the comments on an issue-by-issue basis.

Members are advised that, while there may have been other options for the removal and storage of the slipped material, the applicant (the Council) has made an application to remove the material to the site identified and, as the Local Planning Authority, Committee must make a determination based on the strengths and weaknesses of the proposed development - rather than considering an alternative. The objector is correct that environmental damage has been done by the removal of trees and preparatory works in anticipation of receiving the tipped material however such work was carried out only after having received appropriate advice.. While this may be regrettable, neither the Council's Ecologist or NRW have offered any objection and it is considered that, upon removal or reprofiling of the material, it will be possible to both mitigate and enhance environmental / ecological.

A concern was also expressed that there was a lack of consultation (presumably by the applicant) with adjoining landowners to come up with an acceptable solution. While this is a matter for the applicant, the circumstances surrounding the need to remove the material from the river meant that this was, perhaps, not the most pressing issue. In terms of the Planning process, the application has been advertised in accordance with the Regulations and it is understood that this publicity served its purpose in enabling local residents to make any comments.

A concern was expressed about lack of surveys, ecological mitigation and impact on ancient woodland accompanying the application. Committee is advised that none of the respective consultees requested or required the submission of any additional surveys and the impact on the ancient woodland has been avoided. In light of this, the work submitted with the application is considered acceptable.

The objection letter refers to the insufficient justification for the choice of sites however, this is not a requirement and the application must be considered on its own merits.

The objector has raised an issue in respect of the presence and spread of invasive species. The applicant has prepared an Invasive Plant Species Method Statement to help prevent the spread of such species off site however, due to the nature of the land slip and the emergency works to clear the river channel, it was not possible to check whether the slip material contained any such species. The applicants have advised that the receptor sites will be monitored for the emergence of invasive plant species and a management / eradication regime will be carried out if required.

The objector is also concerned about the approach to groundwater pollution risks arising from the deposited material. Committee is referred to the response given by NRW earlier in this report.

Similarly, concerns in relation to flooding have been made. Again, Committee's attention is drawn to the consultation response from NRW.

Finally, comments are raised in respect of potential future uses, however Committee is advised that these are not a consideration of this application.

Other issues

As part of the application, the Council's Public Health & Protection Section was consulted. No objections were received but "standard" conditions were suggested in respect of noise, dust and other nuisances. While these comments have been noted, Committee is advised that the development is now largely complete. No adverse comments (complaints) have been received in respect of the works so far and, in the absence of a Planning consent, separate legislation exists (outside of the Planning system) to deal with such issues. Accordingly, Committee is advised that the imposition of conditions to this effect are not considered necessary but can be addressed directly (under Public Health legislation) should problems occur. In the final weeks of the operation.

The consultation response from NRW highlights the need for the applicant to have obtained various permits and licenses from NRW as part of this development. Committee is advised that it is not the role of the Planning system to consider issues other than material Planning considerations, which they are not. Accordingly, the report does not make any comments in this respect, but the applicant is aware of potential issues from ongoing discussions with NRW.

**Conclusions**

The application(s) is(are) relatively simple in what is proposed. It seeks the temporary storage / stockpiling of material resulting from the landslip which occurred in February of 2020. It is clear that the works that are under consideration are both proportionate and necessary given the circumstances of the situation.

The impacts (environmental and otherwise) of the works are not considered to be significant and the retention and completion of the earth movements are considered acceptable.

As the works are largely complete (scheduled to be completed in February) it is not considered that any many additional conditions are necessary other than to define the plans and documents that comprise the proposal (including mitigation) and the duration of the storage of the material (and its subsequent removal / reprofiling). While the works are largely retrospective (for the reasons given earlier in the report)

Committee is required to determine the application on its individual merits and the fact that the majority of the material has already been removed is not considered to be a material planning consideration. Should Committee decide to refuse the application(s) then it will be necessary to remove the material to an alternative location (which would likely require the submission of another planning application)

Committee is advised that there may be some unresolved issues in respect of the respective consenting regimes operated by NRW however these do not impact on the consideration of the planning application(s).

**RECOMMENDATION: Grant**

1. The development shall be carried out in accordance with the Plans & Documents contained within the Design, Access and Planning Statement dated November 2020 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

   Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. Within 2 years from the date of the consent, a scheme for the removal / reprofiling of the tipped material (including restoration and environmental mitigation and enhancement measures) shall be submitted to, and approved in writing by, the Local Planning Authority. The material shall be removed / reprofiled in accordance with the scheme as may be approved before the expiry of 3 years from the date of this consent and the environmental mitigation and enhancement measures carried out in accordance with the

approved details (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To clarify the duration of the consent and to ensure that the site is returned to its original condition or the Local Planning Authority has an opportunity to formally consider an alternative proposal in the interests of Ecology and Visual Amenity in accordance with Policies AW5. AW8 & AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Within 3 months of the date of this consent, a scheme shall be submitted to the Local Planning Authority detailing works to be carried out to the river environment for an improved and enhanced habitat for otters. The scheme shall identify an appropriate timescale for the works to be undertaken and a regime to monitor its effectiveness. The scheme shall be carried out in accordance with any approval.

   Reason: The otter is a European Protected Species and it is a requirement where a proposal impacts on such a habitat that, following the development, the habitat is not only maintained but also enhanced, and in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to completion of the final (temporary) landform, details of an ecological mitigation and restoration for the receptor sites and riverbank (including timescales) will be submitted to the Local Planning Authority. The works shall be carried out in accordance with any approval and maintained for the duration of the development.

   Reason: in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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RHONDDA CYNON TAF

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JANUARY 2021**

**INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN**

**UNDER DELEGATED POWERS**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

## 1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 21/12/2020 – 08/01/2021

Planning Appeals Decisions Received.
Delegated Decisions Approvals and Refusals with reasons.

## 2. RECOMMENDATION

That Members note the information.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**21 JANUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

| **REPORT** | **OFFICER TO CONTACT** |
|---|---|
| **INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS** | **Mr. J. Bailey (Tel: 01443 281132)** |

**See Relevant Application File**

## APPEALS RECEIVED

| | |
|---|---|
| **APPLICATION NO:** | **20/0979** |
| **APPEAL REF:** | **D/20/3264273** |
| **APPLICANT:** | **Mrs J Ryan** |
| **DEVELOPMENT:** | Balcony to front elevation with stainless steel and glass. |
| **LOCATION:** | **1 HOWARD STREET, CLYDACH, TONYPANDY, CF40 2BP** |
| **APPEAL RECEIVED:** | **01/12/2020** |
| **APPEAL START DATE:** | **05/01/2021** |

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|---|---|
| **APPLICATION NO:** | **20/1058** |
| **APPEAL REF:** | **D/20/3264267** |
| **APPLICANT:** | **Mr N Saunders** |
| **DEVELOPMENT:** | Demolition of single storey extension, construction of double storey extension (part retrospective). **scheme received 06/12/2019).** |
| **LOCATION:** | **9 ST JOHN'S STREET, GLYNFACH, PORTH, CF39 9LA** |
| **APPEAL RECEIVED:** | **01/12/2020** |
| **APPEAL START DATE:** | **05/01/2021** |

## APPEAL DECISIONS RECEIVED

| | |
|---|---|
| **APPLICATION NO:** | **19/0829** |
| **APPEAL REF:** | **A/20/3259900** |
| **APPLICANT:** | **Mr Ahmed** |
| **DEVELOPMENT:** | Conversion of a church to 8 apartments (amended parking scheme received 06/12/2019). |
| **LOCATION:** | **ENGLISH CALVARY BAPTIST CHURCH, CLIFF TERRACE, TREFOREST, PONTYPRIDD.** |
| **DECIDED:** | **15/05/2020** |
| **DECISION:** | **Refused** |
| **APPEAL RECEIVED:** | **23/09/2020** |
| **APPEAL DECIDED:** | **06/01/2021** |
| **APPEAL DECISION:** | **Dismissed** |

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## Rhigos

**20/1325/10** Decision Date: 07/01/2021

**Proposal:** Two storey rear extension to existing dwelling.

**Location:** 25 HEOL-Y-GRAIG, RHIGOS, ABERDARE, CF44 9YY

## Ynysybwl

**20/1226/10** Decision Date: 21/12/2020

**Proposal:** Demolition of existing single storey out-building and construction of new single storey rear extension.

**Location:** HIGH VIEW, NEW ROAD, YNYSYBWL, PONTYPRIDD, CF37 3ER

## Aberaman North

**20/0846/10** Decision Date: 05/01/2021

**Proposal:** First storey front extension.

**Location:** 10 HILLBROOK CLOSE, ABERAMAN, ABERDARE, CF44 6YL

**20/1257/15** Decision Date: 21/12/2020

**Proposal:** Variation of condition 2 of previously approved planning application 20/0249/10 to allow for the length of the extension to be extended by a further 650mm.

**Location:** 8 PLEASANT VIEW STREET, GODREAMAN, ABERDARE, CF44 6ED

**20/1339/10** Decision Date: 08/01/2021

**Proposal:** Single storey rear extension.

**Location:** 4 KILN STREET, ABERAMAN, ABERDARE, CF44 6YW

## Aberaman South

**20/0899/10** Decision Date: 05/01/2021

**Proposal:** Detached Dwelling.

**Location:** PLOT 2, FOUNDRY VIEW, GODREAMAN, ABERDARE CF44 6DW

## Treherbert

**20/1256/10** Decision Date: 05/01/2021
**Proposal:** Single storey rear extension.
**Location:** 3 ST MARY'S CLOSE, TREHERBERT, TREORCHY, CF42 5RL

## Porth

**20/1286/09** Decision Date: 07/01/2021
**Proposal:** Residential care home for up to 2 children (Lawful Development Certificate).
**Location:** 8 NYTHBRAN TERRACE, PORTH, CF39 9TW

## Town (Pontypridd)

**20/1186/01** Decision Date: 05/01/2021
**Proposal:** Illuminated shop sign.
**Location:** KOOKOO MADAME 67 TAFF STREET, PONTYPRIDD, CF37 4TD

**20/1233/10** Decision Date: 07/01/2021
**Proposal:** Installation of external condensing units located to the rear of the shop.
**Location:** 77 TAFF STREET, PONTYPRIDD, CF37 4SU

**20/1247/10** Decision Date: 05/01/2021
**Proposal:** Raised decking and boundary fence (Retrospective).
**Location:** 41 PARK PROSPECT, PONTYPRIDD, CF37 2HF

**20/1267/10** Decision Date: 07/01/2021
**Proposal:** Construction of flat roof side extension and modification of windows/doors on rear of the house.
**Location:** 10 TYFICA CRESCENT, PONTYPRIDD, CF37 2BU

## Treforest

**20/1140/01** Decision Date: 22/12/2020
**Proposal:** Replacement Signage Scheme.
**Location:** LIGHTS ON BROADWAY AND DOMINO'S PIZZA, BROADWAY, TREFOREST, PONTYPRIDD, CF37 1DB

**20/1259/10** Decision Date: 07/01/2021
**Proposal:** Extension and internal alterations to existing veterinary clinic.
**Location:** TREFOREST VETERINARY CLINIC, 16 RIVER STREET, TREFOREST, PONTYPRIDD, CF37 1TD

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**
**Development Control : Delegated Decisions (Permissions) between:**
**Report for Development Control Planning Committee** **21/12/2020 and 08/01/2021**

## Ffynon Taf

**20/1244/09** Decision Date: 05/01/2021
**Proposal:** Single storey rear extension.
**Location:** 13 BRYNAU ROAD, TY RHIW, TAFFS WELL, CARDIFF, CF15 7SA

**20/1279/10** Decision Date: 22/12/2020
**Proposal:** Demolition of existing single storey rear extension and construction of new two storey rear extension.
**Location:** 37 CARDIFF ROAD, TAFFS WELL, CARDIFF, CF15 7RD

## Llantwit Fardre

**20/0276/10** Decision Date: 08/01/2021
**Proposal:** Replacement Dwelling.
**Location:** OAKDALE, CROWN HILL, LLANTWIT FARDRE, PONTYPRIDD, CF38 2NB

**20/1311/10** Decision Date: 21/12/2020
**Proposal:** Replacement porch.
**Location:** 147 PARC NANT CELYN, EFAIL ISAF, PONTYPRIDD, CF38 1AA

## Tonteg

**20/0711/10** Decision Date: 05/01/2021
**Proposal:** Increase the existing side extension to become 2-storeys by building over (revised plans received 29th October 2020).
**Location:** 20 OAKFIELD CRESCENT, TONTEG, PONTYPRIDD, CF38 1NG

**20/1382/10** Decision Date: 07/01/2021
**Proposal:** Single storey side extension.
**Location:** THE POPLARS, SALEM LANE, CHURCH VILLAGE, PONTYPRIDD, CF38 1PT

## Tonyrefail West

**20/0397/10** Decision Date: 08/01/2021
**Proposal:** Timber log cabin dwelling for succession agricultural worker (Revised site location and layout plans, repositioning proposed dwelling, received 22/5/20).
**Location:** PENRHIWFER FARM, PLEASANT VIEW, PENRHIW-FER, TONYPANDY, CF40 1SE

**20/1274/10** Decision Date: 06/01/2021
**Proposal:** Single storey rear extension.
**Location:** 24 OAKDALE ROAD, PENRHIW-FER, TONYPANDY, CF40 1RS

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**
**Development Control : Delegated Decisions (Permissions) between:**
**Report for Development Control Planning Committee** **21/12/2020 and 08/01/2021**

## Tonyrefail East

**20/1327/10** Decision Date: 08/01/2021
**Proposal:** Raise the level of the garden to create a base for a wooden 6m by 4m summer house.
**Location:** 26 THE MEADOWS, COEDELY, TONYREFAIL, PORTH, CF39 8BS

## Town (Llantrisant)

**20/1281/10** Decision Date: 06/01/2021
**Proposal:** Conversion of integral garage.
**Location:** 17 TAN-YR-ALLT, CROSS INN, LLANTRISANT, PONTYCLUN, CF72 8PY

## Llanharry

**20/1249/10** Decision Date: 04/01/2021
**Proposal:** Two-storey rear extension and front porch.
**Location:** 23 TYLACOCH, LLANHARRY, PONTYCLUN, CF72 9LR

## Llanharan

**20/1241/09** Decision Date: 08/01/2021
**Proposal:** Ground floor rear extension.
**Location:** 8 TERRY'S WAY, LLANHARAN, PONTYCLUN, CF72 9UJ

Total Number of Delegated decisions is 26

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**
**Development Control : Delegated Decisions - Refusals between: 21/12/2020 and 08/01/2021**
**Report for Development Control Planning Committee**

## Mountain Ash East

**20/0978/10** Decision Date: 05/01/2021

**Proposal:** Demolition of existing double garage and construction of new double garage in its place

**Location:** 2 WOODSIDE BUNGALOWS, JOHN STREET, MOUNTAIN ASH, CF45 4HN

**Reason: 1** The scale and height of the proposed garage is excessive and does not reflect or harmonise with the existing bungalow and its surrounding residential setting, resulting in a structure that would dominate rather than complement the application site and that would fail to be a sympathetic and subservient addition, poorly relating to the character and appearance of both the application site and its immediate surroundings, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

**Reason: 2** The proposed structure would result in a significant detrimental impact to the amenity and privacy standards currently enjoyed by occupiers of the adjacent properties by virtue of overbearing impact and a direct loss o privacy, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 3** The application site is served off a network of sub-standard streets which lack in continuous pedestrian links, sub-standard visibility at the junctions, sub-standard junction radii, lack of positive surface water drainage, are un-metalled and lacking street lighting. No information has been provided to evidence that the proposed development would not result in a detrimental impact upon pedestrian and highway safety in the vicinity of the site in these respects, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Furthermore, there is a lack of information with regards the impact of the proposal on the existing dwelling's off-street car parking provision, and in respect of the proposed use of the new garage structure. As such insufficient information has been provided to undertake a full assessment of the scheme in respect of its potential impacts upon pedestrian and highway safety in the vicinity of the site, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## Rhondda

**20/1269/10** Decision Date: 06/01/2021

**Proposal:** Two storey side extension with alterations.

**Location:** MOUNT PLEASANT, LLANDRAW WOODS, MAESYCOED, PONTYPRIDD, CF37 1EX

**Reason: 1** By virtue of its scale, massing, design and elevated position, the proposed side/front extension would form a domineering, obtrusive and overbearing addition. The proposal would therefore serve to create a development that is out-of-keeping with the character and appearance of the host dwelling and detrimental to the visual amenity of the wider area, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**
**Development Control : Delegated Decisions - Refusals between: 21/12/2020 and 08/01/2021**
**Report for Development Control Planning Committee**

## Ffynon Taf

**20/0032/10** Decision Date: 22/12/2020

**Proposal:** Change of use of former Dental Laboratory (B1) to Single Dwelling (C3) and associated works

**Location:** REAR OF 55 CARDIFF ROAD, TAFFS WELL, CARDIFF, CF15 7RD

**Reason: 1** The means of access to the proposed development is sub-standard in terms of horizontal geometry, carriageway width, junction radii, vision splays, forward visibility, segregated footway, street lighting, drainage and structural integrity. Intensification of its use would create increased traffic hazards to the detriment of highway and pedestrian safety and free flow of traffic, contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 2** The proposed development would generate additional on-street parking demand to the detriment of safety of all highway users and free flow of traffic, contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**
**Development Control : Delegated Decisions - Refusals between: 21/12/2020 and 08/01/2021**
**Report for Development Control Planning Committee**

## Pontyclun

**20/0826/10** Decision Date: 23/12/2020

**Proposal:** Alteration and extension to existing dwelling and change of use of the detached stables to create four dwellings.

**Location:** GELLI WEN FARM, PENDOYLAN ROAD, MISKIN, PONTYCLUN, CF72 8NF

**Reason: 1** By virtue of the following, the proposed development is considered unacceptable:

1. The means of access to the development is severely sub-standard in terms of horizontal geometry, forward vision, junction vision splays, provision of segregated pedestrian footway facilities, passing bays, street lighting, highway drainage and structural integrity, and intensification of its use will result in further detriment to highway safety and the free flow of traffic.

2. The proposed development is located in an unsustainable location and would be heavily reliant on the use of private motor vehicles, contrary to the sustainable transport hierarchy and National Sustainable Placemaking Outcomes set out in Planning Policy Wales Edition 10.

3. The proposed extension to the eastern side of the property would be detrimental to the outlook and amenity of neighbouring residents.

4. The layout of the development and its disproportionate scale and massing would not be appropriate to the local context, and therefore detrimental to the character and appearance of the site and surrounding area.

Therefore, the proposed development would not comply with Policies CS2, AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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**20/1201/10** Decision Date: 04/01/2021

**Proposal:** Detached, two-storey double garage.

**Location:** THE LAURELS, COWBRIDGE ROAD, TALYGARN, PONTYCLUN, CF72 9JT

**Reason: 1** The proposed two-storey garage would introduce an unduly large, modern element within a historic setting. The proposal is considered to be poorly related and visually incongruous to the special character and appearance of the Talygarn Conservation Area and Historic Park and Garden and would have a detrimental effect in this regard. The proposed development is therefore contrary to Policies AW5, AW6, AW7 & SSA23.2 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance 'A Design Guide for Householder Development (2011)'.

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Total Number of Delegated decisions is 5

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