



**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 (07385401877)

Bydd cyfarfod rhithwir o'r **Pwyllgor Cynllunio a Datblygu** yn cael ei gynnal ar **DYDD IAU, 25AIN MAWRTH, 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](mailto:GWASANAETHAUCYNLLUNIO@RCTCBC.GOV.UK) ERBYN 5PM AR DYDD MAWRTH, 23 MAWRTH 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 4 Chwefror 2021.

5 - 8

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

### **5. CAIS RHIF: 20/0621/10**

Estyniad unllawr arfaethedig i gynnwys siop ddiwastraff "Truffles". (Derbyniwyd asesiad risg cloddio glo ar 7 Rhagfyr 2020, derbyniodd Arolwg Ystlumod ar 11 Ionawr 2021, derbyniodd yr Adroddiad Draenio 28/02/21)

**Tafarn y Boar's Head, LÔN COEDCAE, TONYSGUBORIAU, PONT-Y-CLUN, CF72 9EZ**

9 - 16

### **6. CAIS RHIF: 20/0799/13**

Cais amlinellol ar gyfer 20 o anheddau gyda'r holl faterion wedi'u cadw (Asesiad Ecolegol Rhagarweiniol diwygiedig, Arolwg Gwrychoedd, Cynllun Trefn Dangosol y Safle a disgrifiad a dderbyniwyd 17/02/21).

**Fferm Gelli Fedi, Tyle Gellifedi, Brynna.**

17 - 32

### **7. CAIS RHIF: 20/1144/13**

Cais amlinellol am annedd newydd gyda mynediad wedi'i ystyried.

**Clydfan, Ffordd y Rhigos, Rhigos, CF44 9UG**

- 33 - 44**
- 8. CAIS RHIF: 20/1338/10**  
Cadw a chwblhau plattform bwyd anifeiliaid a man storio porthiant i weini da byw.  
**Fferm Mynydd Mayo, Heol Eglwysilan, Eglwysilan, Pontypridd, CF83 4PJ**
- 45 - 54**
- 9. CAIS RHIF: 20/1416/10**  
Cadw garej fel yr adeiladwyd (Ôl-weithredol) (Disgrifiad o'r cynlluniau diwygiedig a diwygiedig a dderbyniwyd 26/02/2021).  
**COED CELYN, TYLA GARW, PONT-Y-CLUN, CF72 9EZ**
- 55 - 62**
- 10. CAIS RHIF: 20/1417/10**  
Estyniad un-llawr i'r prif drychiad.  
**1 Clos Maes-y-deri, HIRWAUN, ABERDÂR, CF44 9QT.**
- 63 - 68**
- 11. CAIS RHIF: 20/1453/10**  
Tŷ sengl dwy ystafell wely gyda lle parcio.  
**86 Rhodfa'r Frenhines, Llanilltud Faerdref, Pontypridd**
- 69 - 78**
- CEISIADAU WEDI'U GOHIRIO**
- 12. CAIS RHIF: 19/0421/10**  
Codi 6 annedd ar wahân (derbyniwyd cynlluniau diwygiedig 22/07/19).  
**TIR TU ÔI I DREFELIN, TRECYNON, ABERDÂR.**
- 79 - 102**
- 13. CAIS RHIF: 20/0963**  
Cais am gymeradwyo materion a gadwyd yn ôl (gwedd, tirlunio, cynllun a graddfa) ar gyfer datblygiad preswyl gan gynnwys gwaith, ffyrdd a seilwaith cysylltiedig.  
**HEN SAFLE CLARIANT, FFORDD LLANTRISANT, PENTRE'R EGLWYS, CF38 2SN.**
- 103 - 122**
- 14. CAIS RHIF: 20/0986**  
Adeiladu a defnyddio stac gyda phibellau cysylltiedig a gantri systemau monitro allyriadau parhaus sydd â mynediad ysgol.  
**Fifth Avenue, Ystad Ddiwydiannol Hirwaun, Hirwaun**
- 123 - 154**

## **ADRODDIAD ER GWYBODAETH**

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

Rhoi gwybod i Aelodau am y canlynol, ar gyfer y cyfnod 01/03/2021 – 12/03/2021.

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

**155 - 170**

### **16. MATERION BRYD**

Trafod unrhyw faterion sydd, yn ôl doethineb y Cadeirydd, yn rhai bryd 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

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

Cofnodion o rhithwir gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd Dydd Iau, 4  
Chwefror 2021 am 2.00 pm.

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

Y Cyngorydd S Rees (Cadeirydd)

Y Cyngorydd G Caple    Y Cyngorydd P Jarman  
Y Cyngorydd D Grehan    Y Cyngorydd G Hughes  
Y Cyngorydd J Williams    Y Cyngorydd W Owen  
Y Cyngorydd R Yeo    Y Cyngorydd D Williams  
Y Cyngorydd S Powderhill

**Swyddogion oedd yn bresennol**

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

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

Y Cyngorydd R Bevan

**88    YMDDIHEURIADAU AM ABSENOLDEB**

Daeth ymddiheuriad am absenoldeb gan Gyngorydd y Fwrdeistref Sirol J Bonetto.

**89    DATGAN BUDDIANT**

Yn unol â Chod Ymddygiad y Cyngor, ni wnaethpwyd unrhyw ddatganiadau mewn perthynas â'r Agenda.

**90    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.

**91    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.

**92 COFNODION**

**PENDERFYNWYD** cadarnhau'r cofnodion o gyfarfod y Pwyllgor Cynllunio a Datblygu a gynhaliwyd ar 17 Rhagfyr 2020 yn rhai cywir.

**93 NEWID I DREFN YR AGENDA**

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

**94 CAIS RHIF: 20/1352**

**Adeiladu pont droed teithio llesol. A4119, Coed-elái, Tonyrefail**

Yn unol â'r gweithdrefnau a gafodd eu mabwysiadu, derbyniodd y Pwyllgor Mr Huw Roberts (Gwrthwynebydd). Cafodd e bum munud i annerch yr Aelodau ynglŷn â'r cynnig uchod.

Cyflwynodd y 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.

**95 CAIS RHIF: 20/1204/10**

**Adeiladu estyniad ochr deulawr, estyniad cefn unllawr, trosi'r llofft yn llofft dormer, ailadeiladu garej ar wahân a chreu llawr caled newydd wrth ochr yr eiddo. (Derbyniwyd cynlluniau diwygiedig 13/12/2020). 97 Stryd Meyler, Tretomos, Tonyrefail, Porth, CF39 8DY.**

Yn unol â'r gweithdrefnau sydd wedi'u mabwysiadu, derbyniodd y Pwyllgor Mr Stephen Sanigar (Ymgeisydd). Cafodd bum munud i gyflwyno'r cais uchod i'r Aelodau.

Darllenodd y Pennaeth Materion Cynllunio ddau ddatganiad ysgrifenedig gan Ms Kimberly Smallman a Mr Ryan Hughes a oedd yn gwrthwynebu'r cais.

Cyflwynodd y 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.

**96 CAIS RHIF: 18/1105/10**

**Trosi Capel yn 5 fflat preswyl gyda gwaith cysylltiedig (derbyniwyd cynllun lleoliad diwygiedig a chynllun parcio 22/08/2019). Capel Ebenezer, Stryd Ebenezer, Trecynon, Aberdâr, CF44 8NU.**

Cyflwynodd y Pennaeth Materion Cynllunio'r adroddiad i'r Aelodau gan rannu'r newyddion diweddaraf mewn perthynas â'r argymhelliad ar lafar. Rhoddodd

wybod i'r Aelodau bod yr adroddiad yn nodi bod yr argymhelliad yn argymhell cymeradwyo'r cais yn amodol ar atgyfeiriad cadarnhaol i Cadw ar gyfer Caniatâd Adeilad Rhestredig. Cafodd Aelodau wybod bod Cadw wedi ymateb ar 6 Ionawr 2021 gan gadarnhau bod y cais wedi'i dderbyn.

Yn dilyn trafodaeth **PENDERFYNODD** y Pwyllgor gymeradwyo'r cais yn unol ag argymhellion y Cyfarwyddwr Materion Ffyniant a Datblygu, yn dilyn atgyfeiriad ffafriol gan Cadw.

**97 CAIS RHIF: 20/0822/10**

**Estyniadau dormer blaen a chefn arfaethedig (derbyniwyd cynlluniau a disgrifiad diwygiedig 29/10/20). 7 Heol Coed Isaf, Maes-y-coed, Pontypridd, CF37 1EL.**

Cyflwynodd y 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.

**98 CAIS RHIF: 20/1219/10**

**Adeiladu dwy uned ddiwydiannol (B2) a warws (B8) y mae modd eu cyfuno'n un uned, gyda swyddfeydd ategol (B1), maes parcio cysylltiedig ar gyfer ceir a beiciau, a chreu iard mynediad a gwasanaeth newydd. Plot A, Tir ger Dolydd Felindre, Llanharan, Pencoed, CF35 5HY.**

Cyflwynodd y 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, yn amodol ar Gytundeb Adran 106 i ddarparu cynllun Cyflogaeth a Sgiliau a Chynllun Rheoli Cynefin, fel sydd wedi'u nodi yn yr adroddiad.

**99 CAIS RHIF: 20/1375/10**

**Datblygiad Preswyl Arfaethedig a gwaith cysylltiedig. (Derbyniwyd Adroddiad Ymchwiliad Safle ar 7 Rhagfyr 2020 a derbyniwyd cynllun wedi'i ddiweddarau ar 18 Ionawr 2021). Tir ger Ystad Ddiwydiannol Abergorchwy, Ynyswen, Treherbert, CF42 6DL.**

Cyflwynodd y 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, yn amodol ar gytundeb Adran 106 a fyddai'n sicrhau bod yr anheddau'n cael eu sefydlu a'u cynnal ar ffurf unedau tai fforddiadwy, er mwyn parhau i fodloni'r anghenion lleol sydd wedi'u nodi o ran tai.

**100 CAIS RHIF: 20/1213/10**

**Cadw a chwblhau bloc garej (ailgyflwyno cais 20/0091/10) Y tir cyferbyn â Stryd James, Cwmdâr, Aberdâr.**

Cyflwynodd y Rheolwr Rheoli Datblygu'r cais a gafodd ei gyflwyno yn wreiddiol i'r Pwyllgor ar 7 Ionawr, 2021, lle'r oedd yr Aelodau wedi gwrthod y cais, yn

groes i argymhelliad y Cyfarwyddwr Gwasanaeth - Materion Cynllunio (Mae Cofnod 73 yn cyfeirio at hyn).

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad pellach, a oedd yn tynnu sylw at gryfderau a gwendidau posibl cymeradwyo cais yn groes i argymhelliad swyddogion ac yn dilyn trafodaeth, **PENDERFYNWYD** gwrthod y cais yn groes i argymhelliad y Cyfarwyddwr Gwasanaeth - Materion Datblygu am y rheswm canlynol:

Dydy'r garejys, fel y maen nhw wedi'u hadeiladu ar hyn o bryd, a'r mynediad iddyn nhw ddim yn bodloni'r safonau angenrheidiol er mwyn i gerbyd safonol yrru i mewn/yn ôl gan ystyried y lled sydd ei angen er mwyn gyrru i mewn i'r garej neu adael y garej yn ddiogel. Byddai'r datblygiad arfaethedig felly'n arwain at gerbydau'n symud mewn modd anniogel ac yn cael effaith negyddol ar ddiogelwch y priffyrdd sydd o amgylch y safle. Byddai'r datblygiad felly yn groes i Bolisi AW5 o Gynllun Datblygu Lleol Rhondda Cynon Taf

**101 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 11/01/2021 – 22/01/2021.

**Daeth y cyfarfod i ben am 3.15 pm**

**Y Cyngorydd S Rees  
Cadeirydd.**





## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0621/10 (GH)  
**APPLICANT:** Mr W Owen  
**DEVELOPMENT:** Proposed single storey extension to accommodate "Truffles" Zero waste shop. (Coal Mining Risk Assessment received 7th December 2020, Bat Survey received 11th January 2021, Drainage Report received 28/02/21)  
**LOCATION:** BOARS HEAD PUBLIC HOUSE, COEDCAE LANE, TALBOT GREEN, PONTYCLUN, CF72 9EZ  
**DATE REGISTERED:** 28/02/2021  
**ELECTORAL DIVISION:** Llanharry

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

#### REASONS:

The proposed shop extension would support the ongoing provision of a valuable community asset and contribute positively to the vitality and sustainability of the settlement. The development would neither cause detriment to the character of the local area, or the amenity of neighbouring occupiers; and would not be harmful to highway safety.

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#### REASON APPLICATION REPORTED TO COMMITTEE

The applicant, Cllr Wayne Owen, is a serving Elected Member.

#### APPLICATION DETAILS

Full planning consent is sought for a single storey extension, to accommodate the Truffles zero waste shop which is trading from the Boars Head Public House.

The proposed shop would be a flat-roofed structure constructed to the southern side of the pub. Set well back from the principal elevation and on land currently used for sitting out, the development would have a width of 7.8m and depth of 8.3m, which would allow for a corridor and lobby between the shop and the existing café area.

The height of the structure, as measured from the southern side, would be 3.2m, above which a rooflight would be installed. The front and rear elevations would benefit from fenestration, whilst the two pairs of double doors to the rear would have ramp access. The shop extension is proposed to be finished with render, whilst the roof would have a GRP covering.

Originally, the application included a proposal for the construction of three dormer windows within the main roof of the existing two storey building, two of these which would be erected within the forward facing roof plane, and one to the side.

However, due to the timescale necessary to arrange a further bat emergence survey, the Applicant has confirmed that permission for the dormers will be sought at a later point and are therefore not to be considered within the scope of the current application. It has also been clarified that the proposal would be a replacement for the previously permitted log cabin (application ref. 19/0841/10) from which 'Truffles' is already trading from the site.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Drainage Report
- Coal Mining Risk Assessment
- Design and Access Statement
- Bat Survey Report

## **SITE APPRAISAL**

The application property is the Boars Head public house and is located on Coedcae Lane within the Tyle Garw area to the north-west of Pontyclun.

Predating most of the surrounding development, the building has operated as a public house since its construction in the second half of the 19<sup>th</sup> century. The main two storey structure has been subject to more recent development, including single storey extensions, but retains its clear Victorian style and proportions.

The Boars Head is to the south of the Cambrian Industrial Estate and the main South Wales railway, the level crossing for which is a short distance away. Although two residential properties share a boundary with the premises the principal elevation of the pub faces towards woodland and its northern elevation is set back from Ash Grove by a group of mature trees.

A vehicular crossover to the side of the pub leads to a rear car park, and this is from where direct access to the proposed shop would be gained.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

**19/0841/10:** Construction of log cabin to form Eco. Zero Waste Shop. Decision: 24/10/2019, Granted.

**14/0490/10:** Single storey side and rear extension and install a chair platform lift. Decision: 30/09/2014, Granted.

**06/1332/10:** Proposed toilet block extension, with internal modifications and alterations. Decision: 29/08/2006, Granted.

## **PUBLICITY**

The application has been advertised by direct notification to eight neighbouring properties and notices were displayed on site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection

### Drainage

No objection. Although in a high flood risk area the proposed floor level of the extension, combined with the drainage report and results of the infiltration test, is sufficient not to require a condition.

### Public Health and Protection

Conditions are recommended in respect of hours of operation, and the control of noise, dust, and waste. However, given existing public health powers that can deal with matters of statutory nuisance, it is considered that an informative note would be appropriate.

### Natural Resources Wales

No objection, given the proposal is for an extension to the existing commercial use.

### Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

### Countryside – Ecologist

The Sylvan Ecology Bat Survey Report (11<sup>th</sup> January 2021) is a thorough and competent winter building inspection. It concludes that there is potential for some bat roost use of tiles, and areas of flashing, but found no evidence of roost within the loft spaces.

### Dwr Cymru Welsh Water

DCWW advises that the site is crossed by a public sewer, but the proposed development would be situated outside of its protection zone which is measured 3 metres either side of the sewer centreline.

### The Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Further detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary, and partly within a C2 Flood Zone and Coal High Risk to Development Area.

**Policy CS2** - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. In addition, proposals must be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - Seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** - Development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements

## **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 15: Development and Flood Risk;

## **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 an extension to accommodate a zero waste grocery shop within the curtilage of an existing commercial premises.

Paragraphs 4.3.40 and 4.3.41 of PPW11 recognise that local and village shops, and public houses provide an important role in the local community, and that their economic and social function should be taken into account. Paragraph 4.3.42 also notes that shops ancillary to other uses can also serve a useful role in rural areas by providing new sources of jobs and services.

Furthermore, it is noted that the Applicant already benefits from planning permission for such a use, by virtue of his previous application 19/0841/10. This consent is of significant material weight and the shop would continue to help support a hospitality business which, like many others, will have suffered during periods of long closure due to Covid-19 restrictions.

Consequently, the principle of development is therefore acceptable subject to the criteria set out below.

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

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials, and overall visual appearance. This view is taken for the following reasons:

Although the design and proportion of the development does not mirror the Victorian style of the main two-storey part of the pub, there is already an extension to the rear to which the shop would be attached and the external finishes matched, and therefore it would not be considered to appear incongruous

The shop would also be located towards the rear and side of the site and set back from Coedcae Lane. Therefore, since it would be of single storey construction and its massing would be restricted, its position and existing boundary screening suggests that any visual impact upon the street scene would be limited.

Taking the above into consideration, it is considered that the proposals will not detract from the character or appearance of the site or surrounding area.

## **Impact on neighbouring occupiers**

It is considered likely that neighbouring dwellings would have become accustomed to a degree of disturbance from the existing public house. Given that the extension would be within the curtilage of the site the continuation of this further retail use, during the daytime, would be unlikely to exacerbate any existing detriment to amenity.

However, in this regard the existing shop is subject to an opening hours condition which it is proposed to replicate on any new consent. The Applicant has confirmed that these opening hours remain suitable, thus condition 3 is recommended in this regard.

In respect of the physical location of the extension and its relationship with neighbouring properties, specifically the closest neighbouring property to the south, the single storey height and set back from the boundary would not be considered to cause any detrimental impact to the residential amenity of neighbouring occupiers.

It is also noted that no objections have been received from the occupiers of the surrounding properties following the consultation process. The application is therefore considered acceptable in this regard.

### **Access and highway safety**

The Council's Highways and Transportation Section has noted the Applicant's confirmation that the proposed extension to accommodate the shop is to replace the previously approved construction of a job cabin.

The local highway network in the vicinity of the site is sub-standard in that it lacks segregated pedestrian footway facilities resulting in pedestrians and vehicles having to share the carriageway. The nearby level crossing also restricts vehicular traffic movements throughout the day.

However, the proposal is not anticipated to generate a significant number of trips, given the scale of the existing public house and its somewhat isolated location. Furthermore, the majority of trips are anticipated to be made on foot from nearby residential dwellings.

Deliveries to the proposal would likely be via smaller sized vehicles and deliveries to the public house currently take place without significant problems. There is scope for prospective customers to turn within the existing car park and re-join the public highway in a forward gear.

The Council's adopted SPG advises that shops with a Gross Floor Area of less than 200m<sup>2</sup> have an off-street parking requirement of 1 commercial vehicle space and 1 space per 60m<sup>2</sup>. The proposed extension has a GFA of circa 58m<sup>2</sup>, so the proposed development has an off-street parking requirement of 2 spaces. The proposal would have use of the existing car park for the Boars Head although no additional spaces are proposed.

However, given the small scale and niche nature of the proposed shop the number of trips generated are not expected to be significant and would likely be linked with the existing public house. Furthermore, parking associated with the shop would be short term. With these points in mind no highway objection is raised, and no conditions are requested.

### **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 not CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**

It is considered the proposal would not have a harmful impact on the character and appearance of the locality; the residential amenity of the surrounding neighbouring properties; or upon highway safety. The application is therefore considered to comply with Policies AW5, AW6 and AW10 of the Local Development Plan.

## **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:
  - 01 - Proposed Ground Floor Plan
  - 02 Rev B - Proposed Elevations
  - 06 - Site Plan

and details and documents received on 7<sup>th</sup> July 2020, 5<sup>th</sup> October 2020, 7<sup>th</sup> December 2020 and 2<sup>nd</sup> March 2021.

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

3. The public opening hours for the business hereby approved shall be as follows:

Monday to Friday – 08:00 to 18:00 hours

Saturday – 08:00 to 17:00 hours

Sunday and Bank Holidays – 10:00 to 16:00 hours

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.





## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0799/13 (MF)  
**APPLICANT:** Mr C Wilkins  
**DEVELOPMENT:** Outline application for 20 no. dwellings with all matters reserved (amended Preliminary Ecological Assessment, Hedgerow Survey, Indicative Site Layout plan and description received 17/02/21)  
**LOCATION:** GELLI FEDI FARM, GELLIFEDI RISE, BRYNNA  
**DATE REGISTERED:** 17/02/2021  
**ELECTORAL DIVISION:** Brynna

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

**REASONS:** The development of the site for residential purposes is acceptable in principle. Further, whilst it is acknowledged the development would alter the current, semi-rural character and appearance of the site, it is not considered the potential visual impact would be so significant as to warrant refusal of the application. It is also considered that the site is capable of accommodating circa 20 no. dwellings without resulting in a significant impact upon the amenity and privacy standards currently enjoyed by the nearest surrounding residents or highway safety in the vicinity of the site.

It has also been demonstrated that the impact of the scheme upon ecology can be appropriately mitigated.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

Outline planning permission is sought for residential development on a site area greater than 0.5ha.

#### **APPLICATION DETAILS**

Outline planning permission is sought for the construction of 20 no. dwellings at Gelli Fedi Farm, Brynna. The application seeks consent for the principle of development

only, with all other matters (access, appearance, landscaping, layout and scale) reserved for future consideration.

An indicative site layout has been submitted with the application which illustrates that 20 no. dwellings could be located on site, 16 no. within a main cul-de-sac and 4 no. off a smaller, private drive at the south-eastern corner. The plan shows each unit being orientated to the address the highways and having associated amenity areas and off-street parking spaces. 2 no. access points would be located along the site's southern boundary, off Gelli Fedi Rise. Whilst no details of the scale and design of the proposed dwellings have been submitted, it is envisaged that the development would comprise a mix of 3/4 bedroom houses within a scale range of:

- Height: min – 7.5m, max – 9m
- Width: min – 6.5m, max – 9.5m
- Depth: min – 8.5m, max – 11.5m

Members are advised that the scheme originally proposed 22 no. dwellings. However, a number of concerns were raised with regard the potential removal of hedgerow along the site boundary at Gellifedi Road, and the subsequent potential impact upon dormice. As such, an amended indicative site layout plan, supported by updated ecology surveys, were submitted on 17/02/21 whereby the number the units was reduced to 20 no. to allow for an area at the north-eastern corner of the site to be retained as open grassland, existing hedgerows around the site retained and enhanced and new hedgerows installed around the remainder of the site, including a 2m buffer zone between any devolvement and the hedgerows.

As well as all relevant plans, the application is also supported by:

- Design and Access Statement
- Preliminary Ecological Assessment (amended report received 17/02/21)
- Hedgerow Survey (received 17/02/21)
- Geotechnical and Geo-environmental Site Investigation Report
- Pre-application Consultation Report

## **SITE APPRAISAL**

The application site forms an open field at the northern edge of the settlement at Brynna. It is an irregular shaped parcel of land that amounts to approximately 0.85ha. The plot has been cleared, although various vegetation has regrown, and levelled in certain areas in the past, but generally gently rises from front to back (south-west to north-east).

The field fronts the highways at Gelli Fedi Rise and Gellifedi Road at its south-eastern extent; is bound by the rear gardens of residential properties along Gelli Fedi Rise at its south-western extent; with further open fields to the north, beyond which is main farmstead of Gelli Fedi Farm which comprises a farm house and several agricultural units. The boundaries of the site are generally defined by post and wire fencing, except for the boundary along Gellifedi Road which is enclosed with mature trees and hedgerows which would be retained following development. There is also a small

section of mature hedgerow at the north-eastern corner of the plot which would also be retained following development.

There is an existing vehicle access to site located centrally along its southern boundary, off Gelli Fedi Rise. This was installed following planning permission for 22 no. dwellings at the site in 2009 that were never built out. This access would be utilised for 1 no. of the 2 no. accesses now proposed.

To the south and east the surrounding area is generally residential in nature comprising a mix of house types. Open countryside is located to the north and west.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

08/1175/16 – Development of 22 no. three and four bedroom detached houses (reserved matters – 03/0306/13)

Decision: Granted 11/05/09

07/1479/15 – Deletion of condition 14 of planning permission 03/0306/13

Decision: Granted, 24/09/07

07/1478/15 – Variation of condition 2 of planning permission 03/0306/13

Decision: Granted, 11/07/08

05/0129/10 – Proposed residential development 3 – 4 bedrooms houses (24 plots)

Decision: Withdrawn by applicant, 09/10/06

03/0306/13 – Residential development (outline)

Decision: Granted, 09/08/06

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification, site notices and a press notice. 2 no. letters of objection have been received from occupiers of the adjacent residential street, Gelli Fedi Rise, making the following comments (summarised):

- The field has significant ecological value. Building on it would remove the habitats of various animals.
- Building on the field would exacerbate existing surface water run-off issues to the adjacent dwellings.
- There are already anti-social behaviour issues in the area. Building further houses would only add to the current problems.
- A street made up of solely social housing would not complement the area. It should consist of a mix of private and social properties.

## **CONSULTATION**

Transportation Section – No objection, subject to conditions.

Public Health and Protection – No objection, subject to conditions.

Flood Risk Management – No objection, subject to condition.

Countryside, Landscape and Ecology – No objection, subject to conditions.

Waste Services – No objection.

Natural Resources Wales – No objection. Standard advice offered.

Dwr Cymru Welsh Water – No objection, subject to standard conditions and informative notes.

The Coal Authority – No objection, subject to conditions.

Wales and West Utilities – No objection. Standard advice offered.

Western Power Distribution – No objection. Standard advice offered.

South Wales Police – No objection. Standard advice offered.

South Wales Fire and Rescue Service – No objection. Standard advice offered.

Llanharan Community Council – No response received.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is located within the settlement boundary for Brynna and is not allocated for any specific purpose.

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

**Policy CS4** – sets out the housing requirements within the County Borough for the plan period.

**Policy CS5** – sets out the affordable housing requirements within the County Borough for the plan period.

**Policy AW1** – sets out the criteria for new housing proposals.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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

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

**Policy AW6** – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

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

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

**Policy SSA11** – requires housing developments in the Southern Strategy Area to have a net residential density of at least 35 no. dwellings per hectare, subject to certain exceptions.

**Policy SSA12** – seeks a provision of 20% affordable housing on sites of least 5 no. units or more within the Southern Strategy Area.

**Policy SSA13** – identifies the criteria for assessment of development proposals within settlement boundaries in the Southern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking
- A Design Guide for Householder Development
- Affordable Housing
- Nature Conservation
- Planning Obligations
- 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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments. It is also considered the proposed development is compliant with the aims and objectives of the NDF.

Other relevant national policy guidance consulted:

- 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 18: Transport

## **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.

### **Principle of the Proposed Development**

Outline planning permission is sought for the development of 20 no. residential units at the application site. The application seeks consent for the principle of the development only, with all other matters being reserved for future consideration.

The application site is located within the defined settlement boundary of the well-established village of Brynna and is unallocated. The surrounding land uses are predominantly residential in nature and therefore it is not considered the use of the site for residential purposes would conflict with its surroundings. Further, the site is located close to the centre of the village where various public facilities and public transport links are situated. As such, the site is located within a sustainable location and the proposal meets the relevant criteria set out in Policies AW1 and AW2 of the Local Development Plan (LDP) which aim to support residential development on unallocated land within settlement boundaries; and the primary objectives of Policies AW2 and SSA13 of the LDP which aim to support sustainable development; as well as the overarching sustainable development and placemaking aims of Planning Policy Wales (PPW), the WCFG and the FW2040.

It is also noted that the site benefits from a history of planning permissions for similar residential use.

Therefore, in light of the above, the development of the site for residential use is considered acceptable in principle, subject to compliance with the other relevant material considerations set out below.

### **Visual Impact**

The design, appearance, layout and scale of the scheme are reserved for future consideration and would be within the control of the Local Authority. This would therefore allow the Council to reject any future reserved matters scheme that would have an adverse impact in these respects. However, an indicative site layout plan has been submitted with the application that indicates the likely layout of any future development. As such a brief appraisal of the potential layout set out below:

The indicative site layout illustrates that 20 no. dwellings could be located on site through a main cul-de-sac of 16 no. units and a smaller private drive of 4 no. units at the south-eastern corner.

It is considered that a development scheme similar to this would form an appropriate design given the shape of the plot and the relationship it has with the adjacent residential streets. As such the application site is considered to be of a scale capable of accommodating circa 20 no. units without leading to overdevelopment of the plot; and further, a layout similar to that illustrated would ensure the new street sits comfortably at the edge of the settlement between the existing residential streets to the south and the open countryside to the north.

It is subsequently considered the general redevelopment of the plot in manner comparable to that illustrated would not result in a detrimental impact upon the character and appearance of the site or the surrounding area. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at any future reserved matters stage.

### **Residential Amenity**

Whilst it is accepted that any development at the site would inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by existing surrounding residents, it is considered that a site layout similar to that illustrated would allow sufficient distance between any new properties at the site and the existing residential properties in the locality to ensure that any potential impact would not be significant enough to warrant refusal of the application.

The application site is located at a higher ground level than the existing residential properties to the south, however, the indicative site layout illustrates that a minimum distance of approximately 21m could be achieved between the rear elevations of the new properties and the rear elevations of the existing dwellings along Gelli Fedi Rise. Furthermore, a landscape buffer of trees and hedgerow would be established between the existing dwellings and the new development which would provide a degree of privacy.

An area of open space and a landscape buffer would also be installed at the northern boundary of the site separating it from Gelli Fedi Farm beyond. As such a minimum separation distance of over 40m could be provided between the nearest new property at the site and any building within the farmstead which is considered acceptable to ensure no undue impact would occur.

It is therefore considered that there is sufficient space within the site to ensure a layout could be produced that would accommodate circa 20 no. units of the scale and orientation illustrated without resulting in a significant impact upon the amenity and privacy standards currently enjoyed by the occupiers of the existing properties to the south and the farm to the north; and also the amenities of new properties closest to adjacent the farm. It is noted however that the layout submitted is for indicative

purposes only at this stage and that this issue would be given further careful consideration at any future reserved matters stage.

## **Highway Safety**

Following consideration of the scheme the Council's Transportation Section has no objection to the proposal, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that the indicative site layout indicates a private shared access serving 4 no. dwellings at the south-eastern corner of the site and an adoptable access and internal circulation road serving the rest of the site, both off Gelli Fedi Rise. Both proposed access points would be acceptable, in principle, subject to detail design in compliance with the relevant technical design standards. Therefore, as the application is made in outline with all matters reserved, the final design of the proposed means of access and circulation can be addressed at reserved matters stage.

With respect to parking, the Transportation Section noted that as the layout is indicative in nature, it lacks sufficient detail with regard to off-street parking provision. Furthermore, the submitted information is insufficient to determine the developments off street parking requirement. However, there is sufficient space within the site to ensure that each unit has the required number of off-street parking spaces, which would be assessed at reserved matters stage, and as such there is no objection in this respect.

In light of the above highway assessment, it is considered that an appropriate scheme could be produced which would ensure that the proposed development would not result in a detrimental impact upon pedestrian and highway safety in the vicinity of the site. The application is therefore considered acceptable in this regard, subject to the conditions detailed below.

## **Ecology**

As set out above, it is noted that the scheme originally proposed 22 no. dwellings on site, however, a number of concerns were raised with regard the potential removal of hedgerow along the site boundary at Gellifedi Road, and the subsequent potential impact upon dormice. As such, an amended indicative site layout plan, supported by updated ecology surveys, were submitted on 17/02/21 whereby the number the units was reduced to 20 no. to allow for an area at the north-eastern corner of the site to be retained as open grassland, existing hedgerows around the site retained and enhanced and new hedgerows installed around the remainder of the site, including a 2m buffer zone between any devolvement and the hedgerows.

Following consideration of the amended plan and updated ecology surveys the Council's Ecologist commented that the surveys have been undertaken to appropriate standards and the conclusions are reasonable. The hedgerow and grassland mitigation measures are significant improvements to that originally proposed and would provide adequate mitigation at the site. As such, no objections are raised but a number of conditions are suggested to ensure that the mitigation/enhancement



measures suggested in the submitted report are implemented on site; and it is also considered that the reptile mitigation areas, the hedgerows and buffer zones along the west, north and east boundaries of the site will have to be managed in perpetuity. As such it is also suggested the applicant would have to enter into a Section 106 agreement with the Council to secure the on-going species and habitat management commitment.

It is also noted that no concerns were raised by NRW following assessment of the scheme.

### **Drainage and Flood Risk**

It is noted that an objector has raised concerns in respect of surface water flooding. However, following consultation, no objections have been raised by the Council's Flood Risk Management (FRM) section.

During their assessment of the scheme the FRM section commented that the applicant has not provided any site drainage details with the application and consequently it is difficult to assess the potential impact of the proposed development in respect of drainage/flood risk, however, it is considered that an acceptable drainage scheme could be implemented at the site that would overcome any concerns. Therefore, no objections are raised but it is suggested a condition be added to any consent requiring full site drainage details be submitted to and approved by the Local Planning Authority prior to any development works starting on site.

Whilst the comments of the FRM section are appreciated, the proposed development works would have to gain separate Sustainable Drainage Systems (SuDS) approval from the Council as the Sustainable Drainage Approval Body (SAB) prior to any development works taking place. This process would ensure no drainage/flood risk issues would arise and it is therefore considered the suggested condition is not necessary. Instead an informative note to this affect is suggested.

Dwr Cymru Welsh Water (DCWW) outlined concerns that the public sewerage system in the locality is currently at capacity, but that they have been liaising with the applicant in respect of removing surface water from the public sewer network in order to accommodate the foul flows from the proposed development. They noted that this approach would ensure that there is no net increase in volume of flows communicating with the public sewer network, and subsequently there should be no further detriment to the public sewer network downstream of the development. As such they have no objection to the proposal but request condition be attached to any consent as a means of exercising control over the development and ensuring the implementation of an acceptable solution in advance of the communication of foul flows to the public sewer network. It is considered this condition is both necessary and reasonable and is therefore set out below.

### **Historic Mining Activities**

The application site lies within a defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue a Geotechnical and Geo-

environmental Site Investigation (SI) report has been submitted in support of the application and consultation with the Coal Authority (CA) undertaken.

The CA commented that coal seams (Hafod and Lower Pinchin) of workable thickness outcrop within the south-eastern part of the site and that they may have been historically worked at shallow depths by illicit means. Further, the SI report which accompanies the planning application identifies that there is a potential risk of mining related ground instability at the site as a result of unrecorded shallow workings in these seams.

In light of this issue the SI report recommends that intrusive ground investigations are required on site prior to any development works commencing in order to conclusively determine the exact ground conditions.

The CA concurs with the conclusions/recommendations of the SI report and raises no objection to scheme subject conditions being added to any consent requiring the ground investigations be undertaken prior to any development works taking place.

### **Public Health**

The Public Health and Protection Division have no objection to the scheme but suggest a number of conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that construction noise, waste, dust and lighting matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Other Issues**

It is noted that no objections were received from the Council's Waste Services section, Wales and West Utilities, Western Power Distribution, South Wales Police or South Wales Fire and Rescue Service, subject to standard conditions and advice.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- *There are already anti-social behaviour issues in the area. Building further houses would only add to the current problems.*

Whilst these comments are acknowledged, no evidence has been offered to substantiate this view and in any case, any present issues caused by the behaviour of existing local residents has no bearing on the behaviour of potential future occupiers. As such this issue cannot be taken into consideration during the determination of this application.

- *A street made up of solely social housing would not complement the area. It should consist of a mix of private and social properties.*

The scheme has been submitted in outline with all other matters reserved for future consideration. As such the tenure of the proposed units is not yet known. Members are advised however that in accordance with Policy SSA12, at least 20% of all units on site would have to be made available as affordable units.

### **Section 106 Contributions / Planning Obligations**

Section 106 (S106) 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<sup>th</sup> April 2010, states that a planning obligation, under S106, 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

PPW advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the LDP and the Council's SPG: Planning Obligations.

In this case the developer would be required to enter into a S106 agreement with the Council for the following:

- Affordable Housing – the provision of at least 20% of the units on site as affordable housing in line with Policy SSA12 of the LDP.
- Ecology/Landscape – the delivery of a Tree/Hedgerow, Landscape Buffer and Ecology Habitat Mitigation/Management Plan, to be maintained in perpetuity.

It is considered that these requirements meet all of the above tests and are compliant with the relevant legislation. Members are also advised that the applicant has agreed to these terms.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31<sup>st</sup> 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 stage, but will be calculated for any future reserved matters or full applications.

However, the application site lies within Zone 3 of Rhondda Cynon Taf's residential charging zones where a £85 / m<sup>2</sup> charge is applicable.

## **Conclusion**

Whilst it is acknowledged the development would alter the current, semi-rural character and appearance of the site, it is not considered the potential visual impact would be so significant as to warrant refusal of the application. Furthermore, it is considered that the site is capable of accommodating circa 20 no. dwellings without resulting in a significant impact upon the amenity and privacy standards currently enjoyed by the nearest surrounding residents or highway safety in the vicinity of the site.

It has also been demonstrated that the impact of the scheme upon ecology can be appropriately mitigated.

The proposed development therefore complies with the relevant local and national planning policies and is considered acceptable. The application is therefore recommended for approval, subject to the S106 agreement set out above and the conditions detailed below.

## **RECOMMENDATION:** Approve, subject to Section 106 Agreement

1. (a) Approval of the details of the access, layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the access, layout, scale and appearance of any building to be erected and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of 3 years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - JPW1319-001 – Site Location Plan

- JPW1319-002 Rev. A – Illustrative Concept Plan

and documents received by the Local Planning Authority on 05/08/20, 20/08/20, 20/10/20 and 17/02/21 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.

3. Notwithstanding the submitted plans, no development shall commence on site until full engineering design and detail of the proposed adoptable access and internal roads off Gelli Fedi Rise have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the beneficial occupation of any dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted plans, no development shall commence on site until details indicating the layout and construction of the proposed private shared access off Gelli Fedi Rise have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the beneficial occupation of any dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

5. No development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for, but not be limited to:

- i. the means of access into the site for all construction traffic
- ii. the parking of vehicles of site operatives and visitors
- iii. the management of vehicular and pedestrian traffic
- iv. loading and unloading of plant and materials
- v. storage of plant and materials used in constructing the development
- vi. wheel cleansing facilities
- vii. the sheeting of lorries leaving the site

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

6. All HGV deliveries during the construction period shall only take place between the hours of 09:00am and 16:30pm on weekdays to and from the site.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

The Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following, but not be limited to:

- i. Bus/train service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport
- ii. Park and ride/park and share facilities and associated costs and restrictions on use of such facilities
- iii. Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure
- iv. Local and national cycle routes, and
- v. 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 with the sustainable development principles of Planning Policy Wales and the Rhondda Cynon Taf Local Development Plan.

7. A Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers' Association (LARSOA) guidelines, Learner Travel and Active Travel (Wales) Guidance (2014) and be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of any dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the sustainable development principles of Planning Policy Wales and the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence on site, including any works of site clearance, until:

- i. An assessment of the impact of the foul flows from this development on the public sewerage network has been undertaken by Dwr Cymru Welsh Water, with confirmation that sufficient capacity is available, or
- ii. A surface water trade-off on the public sewerage network, offsetting the proposed foul flows from the development against the removal of exiting surface water flows has been undertaken by the developer,

and verified by Dwr Cymru Welsh Water and the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewage system and pollution of the water environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence on site until a scheme of intrusive site investigations has been carried out and the results submitted to and approved in writing by the Local Planning Authority. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented on site in full prior to any development works commencing. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To establish the risks posed to the development by past coal mining activity and ensure that the site is made safe and stable for the development proposed. In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the occupation of any dwelling, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by the past coal mining activity.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

12. No development works shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing flora on site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development site die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of any existing flora on site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. No development works shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before beneficial occupation of each associated dwelling. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence on site until full details of all hedgerow retention, mitigation and enhancement, nesting bird and reptile, and other species and habitat mitigation, as set out in Section 4 – Recommendations and Mitigation of the Ecological Services Limited Preliminary Ecology Survey (February 2021) and the RPS letter of 17/2/2021, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation measures thereafter.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.





## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1144/13 (RP)  
**APPLICANT:** Wendy Lewis and Carol Phillips  
**DEVELOPMENT:** Outline application for a new dwelling with access considered (amended plans received 23/02/2021).  
**LOCATION:** CLYDFAN, RHIGOS ROAD, RHIGOS, ABERDARE, CF44 9UG  
**DATE REGISTERED:** 25/01/2021  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve subject to conditions

**REASONS:** The application site is located outside of the defined settlement boundary where development of this nature would not usually be permitted on planning policy grounds and this would be in accordance with the requirements of Section 38(6) as outlined below.

Notwithstanding this, the site is served by a bus service which connects with Aberdare and subsequently Cardiff and Merthyr, and is within reasonable walking and cycling distance of the centre of the village and its key services and amenities and could therefore generally be considered a sustainable location, as set out in Policy AW2.

The site forms part of the extended residential curtilage and parking area of an existing residential dwelling, whilst other dwellings are located in close proximity to the site at Halt Close and Halt Road. An ongoing housing development at the former Aman Metal Spinners site (for 19 units) is also located directly adjacent to the site and whilst this development was permitted prior to the adoption of the current Local Development Plan it is considered a substantial material consideration that weighs in favour of this proposal. The principle of the development is therefore considered to be acceptable.

Furthermore, whilst the application is made in outline, the accompanying layout plan illustrates that the site may be developed without resulting in an adverse impact upon character and appearance of the area, the residential amenity of neighbouring occupiers and highway safety.

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## REASON APPLICATION REPORTED TO COMMITTEE

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

## APPLICATION DETAILS

Outline planning consent is sought for the construction of one residential dwelling on land that forms part of the garden curtilage of an existing dwelling known as 'Clydfan', Rhigos Road, Rhigos.

The application site is broadly rectangular in shape and extends to approximately 390 square metres and is located adjacent (to the north-west of) Clydfan, one of a pair of semi-detached dwellings located off Rhigos Road.

The application is made in outline with access considered, with all other matters reserved for future consideration. The application is accompanied by an illustrative site layout plan which shows the proposed detached dwelling would be arranged in linear form alongside Clydfan, with its primary elevation addressing Rhigos Road.

The site layout plan also demonstrates that there is scope to provide two off-street parking spaces for the proposed dwelling, in addition to retaining two off-street parking spaces for Clydfan.

As scale is a matter reserved for future consideration, a minimum – maximum range is provided for the length, width and height of the dwellings, as follows:

	Minimum (Metres):	Maximum (Metres):
Depth:	9.5	10.0
Width:	7.5	8.5
Ridge Height:	5.5	6.0

Amended plans have been received during the course of the application.

## SITE APPRAISAL

The application site consists of a parcel of land which is broadly rectangular in plan that extends to approximately 390 square metres and is currently in use as the garden and parking area of an existing dwelling known as Clydfan.

The site is relatively flat in ground profile and is situated to the northern side of Rhigos Road, the main road that links the villages of Hirwaun and Rhigos.

The northern boundary of the site is bound by Hirwaun Industrial Estate, whilst to the west of the site is the former Aman Metal Spinners factory that is currently being redeveloped for residential use. Further residential dwellings are located to the north-west of the site at Halt Close and Halt Road and include individually designed dwellings of varying scale.

## PLANNING HISTORY

There are no planning applications relevant to this site on record within the last 10 years.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notifications and through the erection of two site notices in the vicinity of the site. The developer of the adjacent housing site has also been formally consulted on the proposal.

No letters of representation have been received as a result of this exercise.

## **CONSULTATION**

The following statutory consultation responses have been received:

**Flood Risk Management:** No objection or condition recommended. However, an advisory note is recommended to highlight the need to submit a separate application for sustainable drainage approval prior to works taking place.

**Highways and Transportation:** No objection subject to conditions relating to means of access, parking and vehicular crossovers being laid out prior to the development being brought into use. Conditions relating to traffic management and wheel washing facilities together with surface water run-off are also recommended.

**Public Health and Protection:** No objection subject to conditions relating to a past contaminated land use.

**Welsh Water:** No objection subject to conditions and advisory notes.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

**Policy CS1** – emphasis is on building strong, sustainable communities which will be achieved by promoting residential development in locations which will support and reinforce the roles of Principal Towns and Key Settlements.

**Policy AW1** – outlines how the housing land requirement will be met, including the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller 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 NSA12** – permits development within and adjoining the defined settlement boundaries.

## **Supplementary Planning Guidance**

Design and Placemaking

Planning Obligations

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 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

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:**

The application proposes (in outline) the construction of one residential dwelling, associated vehicular access, amenity and parking areas, on a parcel of land that is located outside of the defined settlement limits.

As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition, it will also be necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings, the character and appearance of the area or highway safety.

### **Principle of the proposed development**

In the assessment of any planning application for residential development, the first consideration must be the location of the site in planning policy terms.

Policies AW1, AW2 and NSA12 of the Rhondda Cynon Taf Local Development Plan primarily seeks to promote development in sustainable locations within the defined settlement boundary and development would not usually be permitted in locations outside of these areas.

It is acknowledged the site is located outside of the defined settlement boundary and is therefore not considered to be a sustainable location within the parameters of Policy AW2. However, notwithstanding this, it is noted that the site is within reasonable walking distance to the centre of the established village and therefore has access to a number of services and amenities and is served by a bus service which connects with Aberdare and subsequently Cardiff and Merthyr; indeed a bus stop is located immediately outside of the site. As such, the site could generally be considered to be within a sustainable location.

The site also forms part of the curtilage of an existing residential dwelling, whilst the former Aman Metal Spinners site sits directly adjacent to the plot and is currently being developed for 19 housing units. Whilst it is acknowledged the extant consent for this site was approved under a former policy regime, it is considered a substantial material consideration that weights in favour of the proposal.

Noting the above considerations, whilst it is acknowledged the site is located in close proximity to a number of employment uses the proposal would not conflict with the surrounding land use, and would have access to key services and facilities owing to the location of the bus stop outside the site.

Consequently, it is not considered the development conflicts with policy AW2, nor policy AW5 or NSA12 which respectively relate to accessibility and the role of settlement boundaries within the Northern Strategy Area.

Therefore, the development is considered to be acceptable in principle, subject to an assessment of the criteria set out below:

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

In terms of physical area, the site extends to approximately 390 square metres, an area which is large enough to accommodate the proposed dwelling and associated parking areas. It is also noted that being a flat site with few variations in level, the site could be developed without significant retaining or engineering works.

Whilst the application is made in outline, with layout reserved for future consideration, the illustrative plan which accompanies the submission demonstrates an acceptable arrangement, whereby the proposed dwelling would be arranged in a linear form, adjacent to the existing dwelling Clydfan.

It is noted that appearance is also a matter reserved for future consideration, as such, the application is accompanied by a range of parameters which set out the minimum and maximum scale ranges for the dwelling. These indicate that at the upper limit, the dwelling would have a footprint of 85 square metres (8.5 x 10.0 metres) with a maximum ridge height of 6 metres. It is acknowledged the proposed dwelling would be larger than the semi-detached pair of bungalows opposite, but not substantially so, whilst it would be of a similar scale to bungalows located at Halt Close to the north-west and those to be built at the former Aman Metal Spinners Site. There are also a number of larger detached dwellings of varying scales and designs visible in the wider area.

Therefore, given the varied character of existing and proposed properties in the vicinity of the site, it is not considered a dwelling of this scale would appear out of keeping with the character of the area.

As such, overall, it is considered possible to accommodate the proposed dwelling on the site, without adversely affecting the character and appearance of the area.

### **Impact on residential amenity and privacy**

Whilst the site is located outside of settlement limits, it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy, particularly the existing dwelling on the site, Clydfan, in addition to those properties that are to be constructed at the adjacent housing development.

Whilst matters relating to the scale and appearance of the dwelling are reserved for future consideration, it is acknowledged that there would inevitably be a degree of impact upon the adjacent dwellings in terms of the potential impact the construction of a dwelling on this plot may have upon their privacy and amenity.

In light of this the applicant has identified that the maximum footprint and ridge height of the proposed dwelling would not be significantly greater to that of the adjacent property 'Clydfan'. Furthermore, the nearest dwelling (a 3-bed bungalow) that is to be constructed at the Aman Metal Spinners site would be positioned to the north-west of the proposal dwelling and would be off-set by a sufficient distance to mitigate any adverse impacts.

As such, it is considered that at this scale it would be possible to develop the plot without resulting in a detrimental impact upon the amenity or privacy of the residents of the closest neighbouring properties.

It is however acknowledged that the submitted details are for indicative purposes only and that this issue can be given further careful consideration at the reserved matters stage. In conclusion, the illustrative layout indicates that acceptable standards of amenity could be provided for both nearby neighbours and future occupiers of the development in a future full planning application. Consequently, the application is considered acceptable in this regard.

### **Access and highway safety**

To aid in the assessment of highway safety impacts consultation has been undertaken with the Council's Transportation Section.

No objections were raised by the Council's Transportation Section following consultation, subject to a number of relevant conditions being attached to any consent. In their assessment of the scheme the Transportation Section commented that primary access for the proposal would be served off Rhigos Road, which has a carriageway width of 7.3m with a 50mph speed limit and limited footways on the development side and a continuous footway on the southern side of Rhigos Road that measures 1.9m in width.

Some concern is raised that users of the existing bus stop outside the site have to negotiate a full height kerb which is problematic for less able-bodied pedestrians and mothers with pushchairs. However, and to promote sustainable modes of travel, this can be overcome by the vehicular crossovers proposed which would give level access to the bus stop and therefore a condition requiring two vehicular crossovers has been suggested.

In terms of car parking, the applicant has submitted an amended plan (660.004A) indicating two off-street spaces for the existing dwelling and two spaces for the proposed dwelling which is acceptable.

In light of the above highway assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site, subject to a number of conditions.

### **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:** This issue would be covered by the required, separate SuDs approval prior to any development taking place.

**Public Health & Protection:** No objections have been received from the Council's Public Health and Protection Division following consultation, although several conditions have been recommended should planning permission be granted. The conditions relate to construction noise, waste and dust. Whilst these comments are acknowledged, it is considered that these matters can be more efficiently controlled by other legislation.

However, it has been noted that the site has been previously occupied by a potentially contaminating past land use. As such, conditions relating to a scheme deal with land contamination are considered appropriate in this instance.

### **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 stage but will be calculated for any reserved matters or full applications. However, the application site lies within Zone 1 of Rhondda Cynon Taf's residential charging zones, where a £nil charge is applicable and therefore no CIL would be payable.

### **Conclusion**

Having taken account of all the issues outlined above, the application proposal is considered acceptable in principle inasmuch as the site could generally be considered as a sustainable location and would therefore comply with the relevant policies of the Local Development Plan.

Furthermore, whilst the application is made in outline, the accompanying layout plan illustrates that the site may be developed without resulting in an adverse impact upon character and appearance of the area, the residential amenity of neighbouring occupiers and highway safety.

### **RECOMMENDATION:**

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



(b) Any applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

(d) 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 Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

1. Location Plan received on 27<sup>th</sup> July 2020

and documents received by the Local Planning Authority, 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

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained (including trees identified on the indicative proposed site layout drawing number 15/12/02 Rev B received 27<sup>th</sup> July 2020) together 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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the

positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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 in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until details of a scheme for the disposal of foul and surface water 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 residential use of the development and retained in perpetuity.

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

8. Development shall not commence until details of the means of access and parking layout have been submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

9. Off-street parking shall be in compliance with Rhondda Cynon Taf's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: In the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

11. HGV's used as part of the development shall be restricted to 9.00am to 16.30pm weekdays, 9.00am to 13.00pm on Saturday and no deliveries on Sunday and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

12. Constructon works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

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

- A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
  1. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
  2. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local

Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

14. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (condition 13) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report shall be carried out by a competent person.

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

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

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



## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1338/10 (EL)  
**APPLICANT:** Mr K Stephens  
**DEVELOPMENT:** Retention and completion of a feed platform and fodder storage area to serve livestock.  
**LOCATION:** MYNYDD MAYO FARM, EGLWYSILAN ROAD, EGLWYSILAN, PONTYPRIDD, CF83 4PJ  
**DATE REGISTERED:** 25/11/2020  
**ELECTORAL DIVISION:** Hawthorn

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**RECOMMENDATION:** Approve subject to conditions

**REASONS:** The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the development is considered acceptable in terms of its impact upon the landscape character and appearance of the area, residential amenity, highway safety and ecology.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

#### APPLICATION DETAILS

Full planning permission is sought for the retention and completion of a feed platform and fodder storage area, constructed for agricultural purposes, on a site of 0.49 hectares, located within a wider land parcel of 3.7 hectares.

The works have involved the importation of inert sub-soils onto a previously filled area and have been undertaken over the previous 14 months to form the shape of the platform which is currently on site. The finished plateau would be surrounded to the east, north and south by bunds which, would extend to 2.0 metres from the level of the plateau. On the opposing side, the bunds would be graded down to the existing land profile, which falls away to the adjacent watercourse. The works would be off set from the watercourse by 10 metres. The bunds would be grass seeded so as to assimilate the works into the landscape. It is proposed that the surface of the plateau be finished with a permeable material, in order to avoid any increase in the speed of the run-off of storm water into the adjacent stream (the Nant Ffynon-Wen). No

additional soils are proposed to be imported to the site; the bunds would be finished using existing material on site. However, the scheme would involve the provision of approximately 200 tonnes (10 lorry loads) of hardcore or road plantings, which are required to provide a permeable surface to the platform.

The application is accompanied by a statement which provides some justification for the works. This explains that the parcel of land that the development is sited upon at Mynydd Mayo, has been an outlying area of the Ffynonrhyngyllt Farm, Rhydyfelin, Pontypridd since 1993. The land is used to rear approximately 100 cattle and 300 sheep that stay at the land all year round. Each year the grass on the parcel of land is mown and the 300 (approximate) polythene wrapped bales resulting from that operation are transported to a storage compound, which is located on a plateau sited alongside the access track running between the Ffynonrhyngyllt Farm and Eglwysilan Road, this compound is some 2.9km distant from the Mynydd Mayo site.

The movement of grass bales from Mynydd Mayo and the compound and then back again, when required to feed livestock, is undertaken using a tractor and trailer. The agent comments that travelling along the narrow, often single way unclassified country road, with limited passing bays and with frequent stops to pass on-coming traffic results in an inefficient and time consuming operation.

The proposed feed platform and fodder storage area would allow the bales resulting from the Mynydd Mayo grass cutting to be kept on site and prepared to feed the livestock in the same area. The statement also comments that the need for the work described in this planning application was made more urgent following the “beast from the east” period of cold and wintry weather conditions in 2018 ,when it was impossible to feed the stock for almost two weeks. It is stated that the works are required for animal welfare issues and to make the applicants agricultural business more resilient.

## **SITE APPRAISAL**

The application site extends to 0.49 hectares, located within a wider land parcel of 3.7 hectares, located on Mynydd Mayo, Eglwysilan. The parcel of land that the development is sited upon has been an outlying area of the Ffynonrhyngyllt Farm, Rhydyfelin, Pontypridd since 1993. The land is used to rear approximately 100 cattle and 300 sheep that stay at the land all year round. Cattle were present at the site at the time of the site inspection. The development lies approximately 275 metres north east of Eglwysilan Road and is accessed via an unmade farm track. As a result of the land form, the site is not readily visible from Eglwysilan Road. The plateau has been formed to the north east of the access track and to the south of a farm house ruin. The closest dwellings are located in a small settlement approximately 475 metres south (as the crow flies) of the application site, however these are not clearly visible from the site due to the topography of the landform. To the north east of the plateau is the Nant Ffynon-Wen watercourse.

## **PLANNING HISTORY**

The most relevant planning application is detailed as follows:

14/0855	Mynydd Mayo Farm, Eglwysilan Road, Eglwysilan, Pontypridd	Retrospective permission for the completion of field boundaries, bund and hedge constructed for agricultural purposes.	Refused	22/08/14
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## **PUBLICITY**

The application was advertised by direct neighbour notification and site notice. 4 letters of representation have been received which are summarised as follows;

- It is commented that tipping first began in December 2019 for about 10 weeks with up to 40 lorries a day. It is commented that the works continued without consent until the road had to be closed as it collapsed in part.
- It is commented that any further tipping would be dangerous as the lane which serves the site has no footpath and few passing places.
- The road is used by walkers, cyclists, horse riders and children walking to school. The road is unsuitable for 7.5 ton lorries and they caused gridlock when they met with traffic travelling in the opposite direction.
- The works have caused significant damage to the road and road boundary with property (Penygroes House). The lorries have also damaged a grit bin in order to pass sections of the road.
- The works are unsightly and have altered the contours of the land.
- It is commented that some properties water supply comes off the mountain and there is concern that the works may affect this water supply.
- Reference is made to the fact that the culverts downstream are no longer sufficient and require continuous unblocking.
- One resident comments that as the works are now largely complete, it would cause more harm to residents to have the soils removed as this would result in more traffic movements.

## **CONSULTATION**

Transportation Section – no objections raised.

Public Health & Protection – no objections raised, informative notes recommended.

Land Reclamation and Drainage – no objections raised, condition suggested.

Countryside, Landscape & Ecology – no objections raised, the fields affected are agriculturally improved so no significant ecological issues are likely to have resulted.

Natural Resources Wales – no objections raised. It is commented that it is the applicant's responsibility to ensure that they secure all other necessary permits/consents relevant to the development. The Coal Authority – no objections raised, informative note recommended.

Glamorgan Gwent Archaeological Trust – no objections raised.

Structural Engineering – no objections raised, the slope for the bund embankment is acceptable at 1:2 as they are to be grass seeded to prevent wash off.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside of the defined settlement limits, in a special landscape area.

AW2 promotes development in sustainable locations.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW8 sets out the criteria for the Protection and Enhancement of the Natural Environment

AW10 sets out the criteria for Environmental Protection and Public Health

SSA 23 identifies and seeks to safeguard Special Landscape Areas SSA23.10 Taff Vale Eastern Slopes.

### National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

- Policy 4 – Rural Communities – LDP
- Policy 5 – Supporting the Rural Economy – LDP



## **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**

This application seeks full planning permission for the retention and completion of a feed platform and fodder storage area, constructed for agricultural purposes, on a site of 0.49 hectares, within a wider land parcel of 3.7 hectares forming part of Ffynonrhynyllt Farm, Eglwysilan.

As such, the key consideration in the determination of the application is the impact of the development on the character and appearance of the immediate area, and landscape setting of the site. The potential impacts upon ecology and highway safety are a further consideration, along with the potential impacts upon the amenity of the occupiers of the closest residential properties.

### Character, Appearance and Landscape Impacts

The application site forms a relatively small part of a larger land parcel of 3.7 hectares, which itself is an outlying part of Ffynonrhynyllt Farm, Eglwysilan. In total the farm amounts to an 800 hectare holding. The site and wider holding lies within a Special Landscape Area (SLA), that being Taff Vale Eastern Slopes. As such, consideration must be given to the impacts of the development upon the setting of the SLA.

The application site occupies an elevated position, on the hillside that rises to Mynydd Mayo. However, despite its elevated position, the actual site of the development is not readily visible from many distant vantage points, beyond neighbouring field parcels, due to the topography of the site and intervening land forms. The application is accompanied by a plan and cross sections which illustrate the proposed finished land profile; however, as the consent is sought largely in retrospect, it is possible to assess the majority of the visual impacts upon the landscape in real terms, by visiting the site. The site is accessed via an unmade, private farm track that connects with Eglwysilan Road to the south west. The track extends over a distance of approximately 400 metres and curves around the mountain side. As a result, the plateau that has been formed is not visible on approach along the track. Whilst there is no question a significant amount of material has been imported to the site to undertake the works, the plateau that has been formed lies adjacent to the existing farm track, extending out at the same level. Whereas previously the land sloped away from the track toward the stream, to the north east the end of the track has now effectively been widened to form a large plateau. A bund would be created around the north, east and south boundaries of plateau, with these embankments then graded back down to the natural ground level. It is clear that the resulting development

appears as a newly created feature in the existing landform; however, part of its current prominence is due to the fact that the slopes are unfinished. The accompanying statement confirms that the existing surface would be finished with a permeable material, to aid drainage and then seeded with grass seed to lessen its prominence.

Therefore, whilst it is accepted that the works that have been undertaken are fairly significant, in terms of the volume of material that was required to be imported; the actual area over which the development has been undertaken is relatively small, in the context of the wider farm holder. Furthermore, it is not considered that, when complete, the impact upon the wider landscape setting would cause significant harm, given that the development would not be readily visible from a great number of distant vantage points. As such, it is not considered that the works have resulted in a significant adverse impact upon the character and setting of the designated SLA. Over time, it is considered that with appropriate grass seeding, the prominence of the plateau and bunds would be reduced further. As such, on balance, it is not considered that the development would result in an impact upon the landscape setting of the SLA that would be so great as to warrant refusal of the planning application. Nevertheless, should Members be minded to approve planning permission, then a condition is suggested, which sets out a timeframe for the completion of the works and planting. As such, the development is considered compliant with the requirements of policies AW5, AW6 and SSA23 of the Local Development Plan.

### Ecology

In order to assist in the assessment of the proposed works upon matters relating to ecology, consultation has been undertaken with the Council's Countryside Section.

In summary, their observations comment that the field affected by the works was agriculturally improved. As such, the site would have had limited value, in ecological terms. Furthermore, as the application is made in retrospect, any impacts would have already taken place. Therefore, in this case no supporting ecological statements are required and any impacts are likely to be limited. As such, they raise no objections to the application in ecological terms.

Having taken account of the above, it is not considered that the development would result in an adverse impact upon nature conservation or protected species at the site and therefore accords with the requirements of policy AW8 of the Local Development Plan.

### Amenity and Highway Safety Impacts

As set out above, the application site itself occupies a fairly isolated position on Mynydd Mayo. The closest dwellings form a small settlement located approximately 475 metres south of the site (as the crow flies). As a result of the topography of the landform, the development is not visible from these dwellings, as such, it is not considered that the resulting use of the area as a feeding platform for cattle and sheep would cause harm to the occupiers of these dwellings, either in terms of the levels of privacy or amenity which they currently enjoy.

However, following the publicity of the application, four letters of objection were received from residents in this small settlement. Their concerns are set out in full in the publicity section of the report; however the key concern identified in all of the responses relates to the impacts upon amenity and highway safety, resulting from the works. Their letters comment how heavy goods vehicles travelled in convoy to the site, during weekdays, over a period of months. The only way to access the site is via a network of country lanes, which at some points are very narrow and lack passing places. Residents comment that this was hugely disruptive, causing congestion on a daily basis and making it difficult for them to gain access to and from their homes. They also comment that damage was caused to both the highway itself in addition to highway boundaries with properties.

The points raised by residents are acknowledged and it is accepted that the number heavy goods vehicle movements, required to import the material to the site would have inevitably caused disruption to residents who occupy properties along the narrow network of lanes that lead to the site. However, in assessing this application, consideration must be given to the fact that the works are now largely complete. The agent has confirmed that no more soils are to be imported to the site and that in order to complete the works, approximately 200 tonnes of hardcore or road plantings are required, in order to provide a permeable surface to the platform. This would equate to approximately 10 lorry loads, which in the context of the entire development, is a relatively modest volume of material. It is also worthwhile noting that one resident does acknowledge that whilst the traffic movements did cause huge disruption, they would not necessarily wish for the material that has been deposited on site to be removed; as they recognise that this in itself would create further disruption to residents.

In order to aid in assessment of this matter, consultation has been undertaken with the Council's Transportation Section. Having considered the scheme, they conclude that in the context of the whole scheme and having regard to the number of vehicle movements that have already been undertaken, the additional traffic movement resulting from the importation of 200 tonnes of hardcore/ road plantings are negligible. They also comment that, the purpose of the platform is, in part, to allow grass cutting from the surrounding agricultural land to be baled and stored on site and prepared to feed the livestock in the same area. This would, therefore, reduce the need for trips along the publicly maintained highway, for some 2.9k to the current compound by tractor and trailer. As such, in this respect the proposal would have a positive impact on highway safety and the free flow of traffic.

Overall, it is acknowledged that the many traffic movements by heavy goods vehicles, along the narrow network of country lanes, would have caused disruption and disturbance to residents in the vicinity of the site. However, since the vast majority of the material required in connection with the development has now been imported to site, the remaining traffic movements are few in the context of the scheme as a whole. As such, on balance, it is not considered that the completion of the project would result in either an adverse impact upon the amenity of neighbouring residents or highway safety that would be so great as to warrant the refusal of the application. As such, it is considered that the proposals accord with the requirements of policy AW5 of the Local Development Plan.

## Other Matters

### Planning History

In assessing the current scheme, it is considered relevant to mention the planning history of the site, which is set out a previous section of the report. It is noted that in 2014 an application was made for a scheme which involved the construction of, through engineering operations, field boundaries and bunds, for agricultural purposes. This scheme was ultimately refused permission; however, it is worthwhile noting that there are a number of key differences between this application and the current submission.

It is noted that earlier scheme proposed the development of a field boundary earth bund, extending over a distance of approximately 520 metres. The application was made partially in retrospect, however, unlike the current application, to complete the (2014) works, a further 4400 tonnes of material would have been required, which would have equated to approximately 220 lorry loads being delivered to the site over a four month period. As such, the traffic movements associated with this scheme and the resultant highway safety implications were far greater; as such it was concluded that the (2014) development would have resulted in an unacceptable adverse impact upon highway safety.

It is also noted that whilst the development was at the Mynydd Mayo part of the farm holding, it was in a different location. The earth bunds were sited in a more elevated position, closer to the crest of Mynydd Mayo and arguably occupied a more visually prominent position than that of the current scheme, which is more screened and less prominent from distant vantage points.

### Land Drainage

It is noted that the development lies relatively close to the Nant Ffynon-Wen watercourse. Furthermore, in their representations a number of residents have questioned whether the development would impact upon this watercourse, which it is understood serves some of the nearby residential properties. As such, consultation has been undertaken with the Council's Land Drainage Section as part of the application. Having assessed the scheme, their observations raise no objection to the submission in land drainage terms. However, as the scheme is not entirely complete, they recommend the use of planning condition, which would require the submission of a scheme to deal with surface water run-off from the development.

It is noted that one objector has raised the issue that their water supply comes off the mountain and expresses concern that as the works have taken place close to their storage tank, that this might adversely impact the supply. Notwithstanding the lack of detail and the fact that it has apparently not had any impact to date, despite the works being substantively complete, this ultimately would be a private issue to be resolved between the individuals concerned.

### 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 not CIL liable under the CIL Regulations 2010 (as amended).

### Conclusion

Having taken account of all of the issues outlined above, it is clear that the application proposes re-profiling works, which have undoubtedly resulted in the creation of an altered land form. However having assessed the location and siting; scale and resulting appearance of the development on balance, it is not considered that the completed development would result in an adverse impact upon the landscape setting of the site and wider SLA that would be so great as to warrant refusal of the scheme. Furthermore, it is considered that the works could be completed without resulting in undue harm to the amenity of the nearby residents or adverse impacts upon highway safety in the vicinity of the site. Therefore, the application is recommended for approval, subject to the conditions specified below.

### **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
  - Drawing no.1323-01 Location Plan
  - Drawing no.1323-02 Existing Overall Site Plan
  - Drawing no.1323-03 Existing Site Plan
  - Drawing no.1323-04 Proposed Site Plan
  - Drawing no.1323-05 Cross Section A-A
  - Drawing no.1323-06 Cross Section B-B

and documents received by the Local Planning Authority on 25/11/20 and 07/12/20 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. The proposed importing of surfacing material (of hardcore or road plannings to surface the plateau and bunds) shall be completed within 6 months of the date of this permission, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the importing of material does not continue indefinitely, in the interests of highway safety and to limit the potential impacts upon the amenity of nearby residents in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Details of a scheme for the seeding and landscaping of the development shall be submitted within 2 months of the date of the permission approved. The

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

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

4. Within 2 months of the date of the approval of this permission, details of drainage arrangements for the development, along with a timeframe for their implementation, shall be submitted in writing to the Local Planning Authority. The development shall be completed in accordance with the approved details, unless agreed otherwise in writing by the Local Planning Authority.

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



## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1416/10 (LJH)  
**APPLICANT:** Mr R Everett  
**DEVELOPMENT:** Retention of garage as constructed (Retrospective)  
(Description amended and amended plans received both 26/02/2021).  
**LOCATION:** COED CELYN, TYLA GARW, PONTYCLUN, CF72 9EZ  
**DATE REGISTERED:** 26/02/2021  
**ELECTORAL DIVISION:** Llanharry

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#### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**REASONS:** The development is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Retrospective planning permission is sought for the retention of a detached garage/garden room within the curtilage of Coed Celyn, Tyla Garw, Pontyclun.

Planning permission was previously granted (18/1127/10) for a detached garage and separate detached garden room at the site. This was subsequently amended via a non-material amendment application (19/0159/39) to join the two structures together and change the roof from a hipped to gable design. However, the structure has not been built in accordance with the approved plans and therefore this new full application has been submitted to retain the entire building as constructed.

The garage/garden room has been sited along the rear boundary of the garden measuring a total of 30 metres in width by 7 metres in depth. It has a pitched roof design measuring a maximum of 5.8 metres in height sloping to 2.6 metres at the eaves. The roof incorporates 3 no. dormer windows and 4 no. rooflights within the front

roof slope serving the first floor attic space. The dormers each measure 1.8 metres in width by 1.96 metres in height, projecting a maximum of 2.44 metres.

The building has been finished with render and roof tiles to match the main dwelling and includes 3 no. garage doors and 2 no. sets of bi-fold doors to the front elevation. There are no windows or doors located within the rear or side elevations.

Members are advised that amended plans were submitted on 26/02/21 which removed an internal staircase between the garage section of the building and the first floor attic space. The applicant noted that the first floor would be used as loft storage space only.

The previously approved plans, following the non-material amendment, proposed a garage/garden room also measuring 30 metres in width by 7 metres in depth, however the pitched roof did not include any dormers or rooflights only measured a maximum of 4.9 metres in height. Therefore, the outbuilding that has been constructed has seen an increase in height of 0.9 metres from that originally approved, as well as the addition of the dormer windows and rooflights.

## **SITE APPRAISAL**

The application site is located off the main road through Tyle Garw and consists of a detached dormer bungalow and its amenity space. The property has been externally finished with painted render, facebrick, concrete roof tiles and uPVC windows and doors. The plot is irregular in shape and falls from front to back. The site is bound by Tyla Garw Cottage to the south-west, which differs in scale and design to the application property but shares a similar relationship in terms of ground levels; and by a service lane to the rear beyond which are several dwellings located along the residential street, Llwyn Onn. An overhead power line crosses the rear garden.

## **PLANNING HISTORY**

The most recent planning history relating to the application site is:

19/0159	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	Non-material amendment sought for garage and sunroom joined and removal of hip roof.	Granted 11/03/2019
18/1127	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	New detached garage and garden room.	Granted 17/01/2019
07/1722	Coed Celyn, Tyla Garw Tyle Garw, Pontyclun	Alterations and extensions (including the insertion of dormers and raising the roof level) to provide additional accommodation.	Granted 06/11/2007

## **PUBLICITY**



The application has been advertised by means of direct neighbour notification. Three letters of objection have been received as a result of this exercise; they are summarised as follows:

- The structure has not been built in accordance with the approved plans.
- It is monstrous and overpowering, it has affected the light and views of the properties to the rear at Llwyn Onn.
- Construction has taken place at all times of the day with the suggested working hours not being followed.
- There is concern that the building will be used for commercial or residential use.
- The Applicant has taken advantage of the COVID-19 pandemic to construct a different structure to what was approved knowing that inspections would be delayed.
- If the original application had included the raised roof space, dormers, and windows, would it have been granted planning permission in the first place?
- Concern is raised with regards to the impact upon the retaining wall along the rear boundary of the site.
- Concern is raised with regards to possible drainage issues from the large roof.
- Concern is raised regarding the proximity of the roof to the overhead power cables.
- There is also concern that the applicant may land grab the adjacent footpath.
- There is concern that the development may negatively impact upon house values of properties to the rear in Llwyn Onn.

Following receipt of the amended plans the consultation process was repeated. No further comments have been received.

## **CONSULTATION**

National Grid – No response received.

Flood Risk Management – No objection, SuDs approval required.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Tyle Garw and is unallocated.

**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.

Supplementary Planning Guidance:

Design and Placemaking  
A Design Guide for Householder Development

## **National Guidance**

*In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*

Planning Policy Wales (Edition 11) (PPW) 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. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design

## **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 retention of an outbuilding to be used as a garage and garden room within the curtilage of an existing residential dwelling that has not been constructed in accordance with the approved plans. Given the residential nature of the

site and the proposed domestic use of the building, the principle of development is considered acceptable, subject to compliance with the criteria set out below.

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

The garage/garden room is sited within the rear garden of the property along the rear boundary of the site and is therefore not visible from the highway at Tyla Garw. The structure is however visible from several of the nearest neighbouring properties in the adjacent streets of Llwyn Onn and Tylegarw Court to the east. Llwyn Onn is separated from the rear boundary of the site by a rear access lane. The garage/garden room follows the rear boundary of the site and due to the difference in ground levels and existing boundary treatments, is only partially visible above the line of the rear fence. Therefore, whilst visible, it is not considered that the structure is overly prominent from the adjacent dwellings or has a significant enough impact upon the character and appearance of the area to warrant refusal of the application. The application is therefore considered acceptable in this regard.

### **Impact on residential amenity and privacy**

The outbuilding has been sited within the rear garden of the application site and has been constructed approximately 1.99 metres below the floor level of the application property due to the changes in ground level at the site, measuring 5.8 metres in height from the lowest ground level. In addition, the application site is well screened from the properties in Llwyn Onn by the existing rear boundary wall and fence, and the appropriately designed roof slopes away from the boundary. Therefore, on-balance, whilst a degree of overbearing impact to the nearest adjacent properties does occur, it is not considered the impact is significant enough to warrant refusal of the application.

With respect to privacy, garage and bi-folding doors have been positioned in the front elevation of the outbuilding only, as previously approved. However, 3 no. dormer windows and 4 no. rooflights have also been constructed on the front roof slope which would result in a degree of overlooking. However, given the scale of the plot and the orientation of the new building, the first floor windows only create views of the application property and its garden space. In addition, the first floor space would be used for general domestic storage only, along with the ground floor garage and garden room. Therefore, it is not considered the building has any undue impact upon the privacy of the neighbouring properties.

It is noted that the objectors raised concerns in respect of the potential use of the garage for commercial purposes or as a separate residential dwelling. Whilst the comments are acknowledged, the applicant has detailed that it would be used for domestic storage in association with the existing dwelling only. As such the application has to be considered on that basis alone. However, if Members are minded to approve the application, it is suggested a condition be added to the permission to ensure that the structure is retained as such in future to ensure this is the case.

With the above in mind, whilst it is accepted the structure is large in terms of scale and height, it is generally considered to be acceptable in terms of the impact it has upon the residential amenity of the nearest neighbouring properties, and as such, is

considered to accord with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

### **Other issues raised by objectors**

One of the objectors raises the issue of the overhead power lines. National Grid were consulted as part of the application process however no response has been received. It is noted however that the building is well below the height of the power lines and that many other larger structures have also been constructed beneath them in the immediate locality and that there is space around the building for access should it be required. As such it is not considered the siting of the building below the power lines would be a reason for refusing the application.

Concern was also raised with regard to drainage at the site, however, the Council's Flood Risk Management Section were consulted and raised no objection. It was noted that the structure would require separate SuDs approval but that this cannot be gained retrospectively, however a suitable scheme could be implemented on site. It is therefore considered a condition would be appropriate requiring the site drainage arrangements to be submitted to and approved by the LPA before beneficial use of the structure.

One of the objectors raised concern with regards to impact upon the retaining wall along the rear boundary of the application site. Whilst this concern is acknowledged, it is not a material planning consideration and would be subject of separate Building Regulations approval.

Another concern raised was that the applicant has taken advantage of the COVID-19 pandemic to 'get away' without constructing the building in accordance with the approved plans. Whilst this concern is acknowledged, it is not a material consideration and following investigation this retrospective application has been submitted in an attempt to retain the structure.

Concern was also raised that the applicant may try to acquire land that is not within his ownership. Members are advised that the garage is wholly within land under the ownership of the applicant and that any future land acquisition/s that may or may not occur are not material to the determination of this application.

With regard to a neighbours' concern that the development could impact upon house values in Llwyn Onn and Tylegarw Court, this is not a material planning consideration and therefore cannot be taken into account during the consideration of the application.

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones where there is a liability of £85 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £21,631.26.

## **Conclusion**

It is not considered the building has a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

## **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the approved plan nos. 20202110-01, 20202110-02, 20202110-03, and documents received by the Local Planning Authority on 15/12/2020 and 26/02/2021, 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 3 months of the date of this consent details of a scheme for the disposal of foul and surface water shall be submitted to and agreed in writing by the local planning authority. The drainage scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, neighbouring properties, environment, and existing infrastructure arising from inadequate drainage in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

3. The use of the garage hereby approved shall at all times be restricted to purposes normally associated with a domestic use. No trade or business use shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users and amenity of local residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## **PLANNING & DEVELOPMENT COMMITTEE**

**25 MARCH 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1417/10  
(LJH)  
**APPLICANT:** Mr K Spencer  
**DEVELOPMENT:** Single storey extension to principal elevation.  
**LOCATION:** 1 OAKLAND CLOSE, HIRWAUN, ABERDARE, CF44  
9QT  
**DATE REGISTERED:** 06/01/2021  
**ELECTORAL DIVISION:** Hirwaun

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#### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**REASONS:** The development is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought to construct a single storey extension to the south-east facing principal elevation of no. 1 Oakland Close, Hirwaun, Aberdare. The proposed extension would measure 6 metres in width by 3 metres in depth. It would have a pitched roof design to match the main roof and measure a maximum of 3.9 metres in height from ground level with the eaves being reduced to 2.55 metres. The extension would accommodate an enlarged kitchen/dining room, and all materials proposed would match the main property.

#### **SITE APPRAISAL**

The application property is a semi-detached bungalow with a separate pedestrian access to the primary elevation of the property and a vehicular access to the rear.

The dwelling is one of only two properties, a pair of semi-detached bungalows that form Oakland Close. Both properties feature a shared pedestrian access that runs

along the north-east side of 2 Oakland Close and terminates at the front of the property.

## **PLANNING HISTORY**

No relevant planning history at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. Three letters of objection have been received as a result of this exercise; they are summarised as follows:

- The extension will cause a loss of daylight to the front elevation and garden of no. 2 Oakland Close.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Hirwaun and is unallocated.

**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.

### **Supplementary Planning Guidance:**

Design and Placemaking  
A Design Guide for Householder Development

### **National Guidance**

*In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*

Planning Policy Wales (Edition 11) (PPW) 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. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.



It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design

## **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 extension of an existing residential dwelling. The principle of development is therefore acceptable subject to the criteria set out below.

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

The proposed extension would be sited on the principal elevation of the property; however, it is not considered that it would form a visible addition to the street scene given the siting of the property off the main street and its orientation. It would be of an acceptable scale and design which would be in-keeping with the scale and design of the main property and it is therefore considered that it would form a sympathetic and subservient addition. Furthermore, the extension would be finished with materials to match those of the main property and therefore it would not form an overly prominent feature in the surrounding area.

As such, the proposed works are considered to be acceptable in terms of the impact they would have on the character and appearance of the main property and the wider area, and they would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

## **Impact on residential amenity and privacy**

The proposed extension would be positioned on the principal elevation of the property and would span only part-width of the property. The proposed development is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

The minor scale, single storey height and siting off the boundary with the adjoining property are such that the proposed extension would not result in any loss of outlook or overshadowing of the adjoining property.

The use of the extension would also not cause any issues that might impinge on the privacy of other residents. There are no windows proposed within the side elevation facing towards no. 2, and the bi-folding doors proposed on the south-west facing side elevation would not impact upon any other properties. As such there would be no increase in the levels of overlooking in comparison to that which already occurs.

Therefore, whilst the concerns raised by the objectors are acknowledged, the application is considered to be acceptable in this regard.

## **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 not CIL liable under the CIL regulations 2010 (as amended).

## **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

## **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans: Site location plan, Drwg no. 001, and documents received by the Local Planning Authority on 15/12/2020 and 06/01/2021, 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.

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## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1453/10 (CA)  
**APPLICANT:** Mr Persse  
**DEVELOPMENT:** Two bedroom detached house with car parking.  
**LOCATION:** 86 QUEEN'S DRIVE, LLANTWIT FARDRE,  
PONTYPRIDD, CF38 2PA  
**DATE REGISTERED:** 08/01/2021  
**ELECTORAL DIVISION:** Llantwit Fardre

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#### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

**REASON:** The application is considered to comply with the relevant policies of the Local Development Plan. The principle of the development is supported and the proposal is deemed to have an acceptable impact upon the character and appearance of the area, the residential amenities of neighbouring properties and upon highway safety.

The proposal would provide an additional home in a well-established residential location.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to the Planning and Development Committee for final determination as a request has been received from Councillor Joel James due to concerns regarding the scale of the proposal and the overdevelopment of the site.

#### **APPLICATION DETAILS**

Full planning permission is sought for the development of a detached dwelling with off street car parking. The dwelling would be sited to the north east of 86 Queen's Drive, Llantwit Fardre, in place of an existing detached garage associated with the existing dwelling.

The dwelling would measure a maximum width of approximately 6.5 metres and a maximum depth of approximately 7.8 metres. It would be a two storey dwelling measuring a height of approximately 7 metres to the ridge.

The proposal would be finished in smooth render to the elevations, under a concrete tiled roof.

Accommodation within the proposed dwelling would consist of a hallway, kitchen, family room and W.C. on the ground floor and two bedrooms, a bathroom and an open office area on the first floor.

Access to the dwelling would be provided via a vehicular crossover off Queen's Drive to the front of the site and the dwelling would be served by two off road car parking spaces.

## **SITE APPRAISAL**

The application site forms part of the curtilage of an existing semi-detached property (86 Queen's Drive, Llantwit Fardre), which is located within an established residential area of Llantwit Fardre. The site currently contains a single storey detached garage and garden space. It is a roughly rectangular plot measuring approximately 8.2 metres in width by 18 metres in depth and is relatively flat in profile. The surrounding properties are mainly semi detached, of similar style and design to the proposal.

## **PLANNING HISTORY**

07/0055/10	Demolish existing garage and associated utility space. Construct new two bedroom residential mews (detached dwelling). Landscape front and rear gardens to respect new boundary (re-submission).	Refused	09/07/2007
06/1498/10	Demolish existing garage and associated utility space. Construct new two bedroom residential mews (detached).	Refused	29/09/2006

## **PUBLICITY**

The application was advertised by direct notification letter to neighbouring properties and a site notices was displayed. Two letters of objection were received and raise the following points:

1. The proposal would adversely impact upon the privacy of surrounding properties.
2. The area is prone to flooding.
3. Due to the width of the driveways, cars would end up being parked on the road.
4. The proposed dwelling is in very close proximity to 86a Queen's Drive and concerns are raised that the proposal may weaken the foundations of this property.
5. The ongoing maintenance of the proposed rendered gable end would be practically impossible.
6. The proposal would block natural light to the bathroom window of the adjacent dwelling.

7. The proposal would result in a loss of light to the garden area of the adjacent dwelling.
8. The proposal would result in the overdevelopment of the site.
9. There are two previous planning applications associated with this site, both of which resulted in refusals.

The points raised above will be addressed in the main body of the report below.

## **CONSULTATION**

Highways and Transportation – No objections, subject to conditions.

Flood Risk Management – No objections and no conditions recommended.

Public Health and Protection – No objections, conditions recommended.

Llantwit Fardre Community Council – No comments received.

## **POLICY CONTEXT**

Rhondda Cynon Taf Local Development Plan:

The application site lies within the defined limits of development.

**Policy CS 2 – Development in the South:** Places an emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy AW 1 – Supply of New Housing:** Provides criteria against which applications for new housing will be considered.

**Policy AW 2 – Sustainable Locations:** Provides criteria to determine whether a site is located in a sustainable location.

**Policy AW 4 – Community Infrastructure and Planning Obligations:** This policy provides support to secure planning obligations and contributions.

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

**Policy AW 6 – Design and Placemaking:** This policy requires development to involve a high quality design and to make a positive contribution to place making.

**Policy AW 8 – Protection and Enhancement of the Natural Environment:** This policy seeks to preserve and protect Rhondda Cynon Taf's distinctive natural heritage.

**Policy AW 10 – Environmental Protection and Public Health:** Prohibits development proposals that would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy SSA 13 – Housing Development Within Settlement Boundaries:** Provides support for proposals within the defined settlement boundaries subject to a number of criteria.

### National Guidance:

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 9 – Resilient Ecological Networks – Green Infrastructure/Ecology

### Other policy guidance considered:

PPW Technical Advice Note (TAN) 12 – Design  
PPW TAN 18 – Transport

### Supplementary Planning Guidance:

Design and Placemaking  
Planning Obligations  
Access, Circulation and Parking

## **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 site is unallocated, situated inside of the defined settlement limits and within an established residential area of Llantwit Fardre.

Based on the above, it is considered that the development of a residential dwelling on the site would be acceptable in principle, subject to the following material considerations.

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

The immediate area is predominantly characterised by semi-detached dwellings of matching style and design. There are a variety of material types in the locality, including brick, render finishes and stone cladding and many properties within the vicinity have been altered or extended in various ways. The application site is regarded as an infill plot and sited adjacent to a semi-detached dwelling to the south west and a detached dwelling to the north east.

It is considered that the proposal would be viewed in the context of existing built form in a residential location and so would not appear out of place. The proposal would respect the established front building line of the street, with the rear building line similar to the adjacent dwelling, No. 86.

Concern has been raised by a member of the public that the proposal represents overdevelopment of the site. Although this comment is noted, it is considered that the plot is capable of accommodating the modest dwelling that is proposed. The new dwelling would be adequately separated from its neighbours to avoid any terracing effects and space for amenity and parking areas would remain. Furthermore, the dwelling has been designed in such a way to match existing houses within the street and the combination of appropriate external finishes would ensure the dwelling is generally in keeping with the character of the area and not overly prominent in the locality.

It is considered that the proposed dwelling would be read in the context of the existing settlement and its scale and design would not have significant adverse impacts upon the character or appearance of the immediate site or its wider setting.

**Impact on residential amenity and privacy:**

The property is located within an established residential area and it is therefore important that the privacy and amenity of existing neighbouring residents is safeguarded.

Any impact upon residential amenity would likely be greatest upon the adjacent properties, known as Nos. 86 and 86a Queen's Drive, Llantwit Fardre. The proposed development would follow the pattern of existing development, fronting the street and would be of a similar scale to dwellings within the locality. In addition, the new dwelling would not project significantly further back than No.86 Queen's Drive. As such, it is not considered that the proposal would be overbearing to adjacent dwellings.

It is considered that there are established levels of mutual overlooking between dwellings within the locality and although the objections raise concern regarding a loss

of privacy to surrounding properties, it is not considered that any overlooking would be significantly above and beyond these established levels.

One objection also refers to the new dwelling resulting in a loss of light to the side facing bathroom window and rear garden of the adjacent property, No. 86a. Whilst it is acknowledged that some loss of light would inevitably occur to properties directly adjacent the new dwelling, this is not considered so severe as to warrant the refusal of the application. Furthermore, a bathroom is not a habitable room and due to the orientation of the new dwelling, it is considered that any overshadowing to both this window and the rear garden would occur during the afternoon/evening, rather than throughout the whole day.

It is also important to ensure the standard of residential amenity is acceptable for future occupiers of the dwelling. The dwelling would provide adequate accommodation for a two bedroom home. There are some concerns that the outdoor amenity space associated with the new dwelling would be limited. Given that planning policy does not stipulate a minimum outdoor amenity space requirement however, and there would be adequate space for bin storage within the confines of the site, this concern is not considered to warrant the refusal of the application.

Overall, the proposal is considered to have an acceptable impact upon the residential amenities of neighbouring properties and that of future occupiers.

**Impact on highway safety:**

The application has been referred to the Council's Highways and Transportation Department.

The proposed dwelling would be served directly from Queen's Drive in the same manner as the other dwellings on the street. As such, the proposal gives no cause for concern regarding access. Nevertheless, alterations to the existing vehicular crossover would be required and these works could be secured by a suitable planning condition.

The proposal requires the demolition of an existing garage, resulting in the loss of off-street parking provision for the existing dwelling. The Council's Highways Department have indicated that the provision of 2 no. off-street parking spaces for the existing dwelling is considered acceptable. In terms of the proposed dwelling, the submitted Proposed Site Plan indicates the provision of 2 no. spaces. This is also considered acceptable.

One of the Objectors raises concerns that although off street car parking would be provided, occupants of the dwelling would still park on the road. This is considered speculation and would not form the basis of a reason for refusal.

Based on the above, the proposal is considered to have an acceptable impact upon highway safety. The Council's Highways and Transportation Department have raised no objections to the proposal, subject to conditions.

**Other Matters:**

Public Health and Protection: No objections have been received from the Council's Public Health and Protection Division following consultation, although several conditions have been recommended should planning permission be granted. The conditions relate to construction noise, waste and dust. It is considered that matters relating to these issues can be more efficiently controlled by other legislation.

Site History: The planning history of the site is acknowledged, as is the Objector's reference to the previous applications. It is noted that the application submitted in 2007 was recommended for approval at Officer level, however final determination took place at Committee level, where the application was refused.

Public Consultation: The letter of objections are acknowledged and the points raised have been mostly addressed above. The outstanding points are addressed as follows:

In terms of point 2, which indicates the area is prone to flooding, the Council's Flood Risk Management Section have reviewed the proposal and raise no objections. The site is partially within a Low Surface Water Flood Risk Area and is not within either the C1 or C2 Flood Zone as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004). It is also noted that the area to be developed currently contains a garage which prevents surface water from soaking into the ground. In addition, the proposed plans indicate that all hard ground surfaces would be permeable. The Council's Flood Risk Management Section have concluded that development's surface water flood risk would be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

In terms of points 4 and 5, these are not material planning considerations and therefore would not warrant the refusal of the application.

**Community Infrastructure Levy (CIL) Liability:**

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

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

The CIL (including indexation) for this development is expected to be £4791.44.

**Conclusion:**

Having taken account of all of the issues outlined above, the proposal is considered acceptable and in accordance with the development plan. Therefore, the application is recommended for approval subject to conditions.

**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan (Drawing No. 2015.SLP Rev A), dated 08/01/2021;
- Proposed Site Plan (Drawing No: 2015.PL01), dated 23/12/2020;
- Proposed Ground Floor Plan (Drawing No: 2015.PL02), dated 23/12/2020;
- Proposed First Floor Plan (Drawing No: 2015.PL03), dated 23/12/2020;
- Proposed Roof Plan (Drawing No: 2015.PL04), dated 23/12/2020;
- Proposed Sections (Drawing No: 2015.PL05), dated 23/12/2020;
- Proposed Elevations (Drawing No: 2015.PL06), dated 23/12/2020

and documents received by the Local Planning Authority (LPA) on 23/12/2020, 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.

3. Building operations shall not be commenced until samples of the external finishes of the dwelling proposed to be used 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 in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted plans, development shall not commence until details providing for the alteration of the existing vehicular crossover and creation of a new vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the beneficial occupation of the proposed dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The off-street parking spaces indicated on the submitted Proposed Site Plan (Drawing No: 2015.PL01) shall be constructed on site in permanent materials prior to the beneficial use of the proposed dwelling and remain for the purpose of vehicular parking only.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. HGV's used as part of the construction of the development shall be restricted to 09:00am to 16:30pm weekdays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

Application No: **19/0421/10 - Erection of 6 no. detached dwellings, Land to the rear of Trefelin, Trecynon, Aberdare**

#### **1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

#### **2. RECOMMENDATION**

That Members consider the report in respect of the application and determine the application having regard to the advice given.

#### **3. BACKGROUND**

This application was reported to the 25<sup>th</sup> February 2021 Planning and Development Committee meeting with a recommendation of approval (a copy of the original report is attached as Appendix A). At that meeting Members were minded to refuse the application contrary to the recommendation. Members considered:

1. The introduction of 6 no. dwellings at the site would result in a significant increase in vehicle movements along the highway infrastructure in the locality, with the site access located in close proximity of the busy junctions of Trefelin and Harriet Street, the main thoroughfare through the village, and the Harriet Street roundabout at the A4059, the main highway through the Cynon Valley, to the detriment of safety of all highway users.

Further, the proposed access route to serve the main development plot would result in an intensified use of the lane to the rear of the adjacent

properties along Harriet Street, which is a Public Right of Way, to detriment of safety of all highway users here, with particular reference to pedestrians using the lane and crossing the new access point.

Consequently, the proposed development would result in a detrimental impact upon pedestrian and highway safety for both existing and future residents and is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

#### **4. PLANNING ASSESSMENT**

The considerations regarding the issues detailed above are set out in full within the original report, however, a brief summary is provided below:

In an assessment of the scheme the Transportation Section commented that the development site would be accessed off Trefelin via a newly formed junction.

It was noted that there is some concern with regard the proximity of the new access onto Trefelin with the busy junction of Trefelin and Harriet Street and also with pedestrians crossing the new junction. However, the proposed new junction would comply with the relevant technical guidance and it was considered a speed reducing feature could be incorporated along the access road close to its junction with Trefelin to mitigate the concerns with regard pedestrians crossing. As such, the scheme was generally considered acceptable in terms of highway safety, subject to mitigation measures and the relevant conditions set out in the original report.

As such, whilst the scheme is generally considered acceptable in highway safety terms, there is some concern with both the new access itself and its proximity to the nearby junctions of the two busiest roads in the village.

The introduction of 6 no. dwellings at the site will inevitably increase vehicle movements along the highway infrastructure in the locality, putting significant pressure on the existing highway network here and the already very busy junctions in the vicinity, to the detriment of safety of all highway users. Furthermore, the proposed access route would result in an intensified use of the lane to the detriment of safety of all highway users here, with particular reference to pedestrians using the lane and crossing the new access point at Trefelin.

Consequently, the proposed development could therefore be considered unacceptable in respect of its potential impact upon highway safety.



## Conclusion

Whilst the application is recommended for approval, subject to the conditions set out in the original report, if, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would reflect those views:

1. The introduction of 6 no. dwellings at the site would result in a significant increase in vehicle movements along the highway infrastructure in the locality, with the site access located in close proximity of the busy junctions of Trefelin and Harriet Street, the main thoroughfare through the village, and the Harriet Street roundabout at the A4059, the main highway through the Cynon Valley, to the detriment of safety of all highway users.

Further, the proposed access route to serve the main development plot would result in an intensified use of the lane to the rear of the adjacent properties along Harriet Street, which is a Public Right of Way, to detriment of safety of all highway users here, with particular reference to pedestrians using the Public Right of Way and crossing the new junction onto Trefelin.

Consequently, the proposed development would result in a detrimental impact upon pedestrian and highway safety for both existing and future residents and is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**25 FEBRUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0421/10 (MF)  
**APPLICANT:** Mr J Evans  
**DEVELOPMENT:** Erection of 6 no. detached dwellings (amended plans received 22/07/19).  
**LOCATION:** LAND TO THE REAR OF TREFELIN, TRECYNON, ABERDARE.  
**DATE REGISTERED:** 29/01/2021  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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**RECOMMENDATION:** Approve

**REASONS:** Whilst it is acknowledged the development would considerably alter the character and appearance of what is currently a Greenfield site, the application site is located within settlement limits where the principle of development is generally considered acceptable, and furthermore, the plot benefits from a history of planning permissions for residential use. Additionally, the proposed dwellings are considered acceptable in terms of their overall scale, design and visual appearance, and it is not considered they would have any undue impact upon the amenity and privacy standards currently enjoyed by the nearest residential properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The scheme proposes 5 no. or more dwellings and 3 no. or more objections have been received.

**APPLICATION DETAILS**

Full planning permission is sought for the erection of 6 no. detached dwellings on land to the rear of Trefelin, Aberdare.

The proposed dwellings would be arranged in an 'L' formation along the northern and western boundaries of the plot, orientated into the site to address a new turning head and access road. Each of the dwellings would be sited centrally within their plots, having 3 no. off-street parking spaces to the front and enclosed gardens to the rear. They would all be of the same modern design and scale, each measuring 10m in width by 9m in depth, incorporating pitched roof designs to 8m in height and gable/bay window features within the front elevation. Each unit would accommodate 4 no. bedrooms and a bathroom at first floor level, with various living accommodation across the ground floor. External materials would form a mix of red face brick and render with artificial slate roof tiles and white uPVC. The curtilages would be enclosed with 0.8/2m high timber boundary fencing.

Access to the site would be gained via an existing private lane off Trefelin to the south-east of the main plot. The lane would be widened to 5.5m in width with a 2m wide footway along its southern flank as part of the scheme, forming an adoptable public highway. The lane currently forms Public Right of Way (PROW) ABD/15/3. It is therefore proposed the new footway would maintain public access, but it is noted that the upgrading of the lane would require the existing route of the PROW to be diverted to the rear of 4 no. trees roughly halfway along the lane that are protected by Tree Preservation Order (TPO) 135 (G1). These trees would remain following development but various other trees/vegetation along the lane would need to be removed.

The scheme also proposes a landscape buffer between the upgraded access and the adjacent properties along Harriet Street to the east. Additionally, following initial concerns raised by a number of residents of Harriet Street, amended plans were received on 22/07/19 which detail that access to the rear of their properties from the upgraded lane would be provided.

It is noted that the site access is not under the ownership of the applicant and is unregistered. The applicant has therefore undertaken all reasonable steps to find out who the landowner is prior to submitting this application but has been unsuccessful in his search. As such Ownership Certificate D has been completed and the relevant notice process undertaken, advertising the planning application within a local newspaper prior to submission. No public response was raised following this process.

The application is accompanied by the following:

- Coal Mining Risk Assessment
- Environmental Noise Survey
- Ecological Survey and Scoping Assessment
- Dormouse Assessment and Enhancement Proposals

## **SITE APPRAISAL**

The application site is split in to two separate elements, the main development plot to the rear (north-east) of nos. 127 – 129 Trefelin; and the access lane leading to the site from Trefelin to the rear (west) of nos. 37A – 40C Harriet Street.

The main plot is roughly rectangular in shape, amounting to approximately 7000m<sup>2</sup>. It forms an open field that rises gently from north-east to south-west and is currently used for horse grazing. The field is enclosed on all sides by mature trees/hedgerows which would remain following development, with access gained from the north-eastern corner. The residential areas of Trefelin and Potters Field are located to the south and east. The A4059 is located directly to the north, with open countryside located to the west.

The access lane forms PROW ABD/15/3 (a section of the Cynon Trail) which leads from Trefelin to several fields to the north/west of the main residential area. The section of lane to the rear of 37A – 40C Harriet Street is tarmaced, but not adopted, with the remainder up to the main development plot being a dirt track. A group of 4 no. trees sited roughly halfway along the lane are protected by TPO 135 (G1). These would remain following development.

## PLANNING HISTORY

Previous planning applications submitted at the site:

12/1281	Renewal of consent – 07/1922/10 – 1 residential dwelling and detached garage	Granted	07/02/13
12/0859	Development of 6 dwellings	Granted	17/01/14
11/1334	Development of 6 new dwellings on site within LDP	Refused	21/06/12
11/0092	Outline application for 4 residential dwellings	Refused	30/06/11
10/0357	Outline planning for 19 new dwellings on existing vacant land	Refused	06/09/11
		Appeal dismissed	29/05/12
07/1922	Proposed new dwelling and detached garage	Granted	21/12/07
07/1096	Proposed new dwelling and detached garage	Refused	28/09/07

07/0592 Proposed new dwelling and detached garage

Refused

24/05/07

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. Two letters of objection and a petition signed by six residents of the adjacent properties along Harriet Street have been received, making the following comments (summarised):

- The proposed access is in close proximity of the junction of Trefelin and Harriet Street. As such it will be difficult for vehicles to enter/exit the site, resulting in a detrimental impact upon highway safety in the vicinity.
- The proposed development would remove the existing PROW.
- The proposed development would have a detrimental impact upon ecology on and around the site.
- The proposed development would have a detrimental impact upon trees and hedgerows on and around the site. A number of trees along the site access are protected by a TPO.
- Dwellings at the site would result in noise and light pollution to surrounding residents.
- Construction traffic would result in noise and disturbance to surrounding residents.
- The development of the field may result in surface water flooding to the surrounding area.
- The existing public sewerage system in the area is at capacity. Further properties at the site would exacerbate this issue.
- The proposed development would conflict with the aims of the Well-being of Future Generations (Wales) Act.
- Japanese Knotweed is present along the access lane. Development at the site could lead to this spreading to the surrounding area/properties.
- The adjacent properties along Harriet Street have rear access from the service lane. The development would remove this.
- The development may result in damage to neighbouring properties.

- The applicant does not own the access lane leading to the site.
- The plans are not an accurate representation of the proposed development.

## **CONSULTATION**

Transportation Section – No objection, subject to conditions.

Countryside, Landscape and Ecology – No objection, subject to conditions.

Public Health and Protection – No objection, subject to conditions.

Flood Risk Management – No objection, subject to condition.

Public Rights of Way Officer – No objection. Standard advice offered.

Waste Services – No objection.

The Coal Authority – No objection, subject to condition.

Dwr Cymru Welsh Water – No objection, subject to standard conditions and informative notes.

Wales and West Utilities – No objection, subject to standard conditions and informative notes.

Western Power Distribution – No objection. Standard advice offered.

South Wales Fire and Rescue Service – No objection. Standard advice offered.

South Wales Police – No objection. Standard advice offered.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The main development area of the application site is located within the settlement boundary for Aberdare and is not allocated for any specific purpose, however, it is noted that a large section of the access lane is located outside of settlement limits.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy CS4** – outlines the extent of the housing requirement that needs to be delivered through the plan period.

**Policy AW1** – sets out the criteria for new housing proposals.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4** – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

**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** – identifies that proposals which impact upon sites of architectural or historic merit or affect areas of public open space, allotments, public rights of way, bridleways and cycle tracks will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

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

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

**Policy NSA10** – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

**Policy NSA12** – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking
- A Design Guide for Householder Development
- Nature Conservation
- 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.

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 10: Tree Preservation Orders
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 18: Transport

## **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.

### **Principle of the Proposed Development**

Full planning permission is sought for the erection of 6 no. detached dwellings at the application site. Whilst it is acknowledged the plot currently forms a vacant field and its development would inevitably alter its current semi-rural character within the wider landscape, it is situated inside of the defined settlement boundary, directly adjacent to an established residential area. Furthermore, the plot has benefited from planning permission since 2007 and as a result, the principle of residential development at the site has long been established.

It is therefore considered the proposed development would be compatible with the surrounding land uses and the proposal is acceptable, in principle, subject to an assessment of the criteria set out below.

### **Visual Impact**

The application site forms a vacant parcel of land between the existing residential estates of Trefelin and Potters Field (south-west) and the A4059 (north-east). It is therefore considered that the proposed development would form an appropriate rounding off of the residential settlement in this area of the village. Whilst it is accepted the development would inevitably alter the current semi-rural character and



appearance of the open land, the surrounding trees and hedgerows would remain following development resulting in an appropriate transition between the built up residential area to the south/east and the more rural area to the north/west.

With respect to the proposed buildings themselves, they are considered to be of a typical, modern, two-storey scale and design, comparable to many other new developments in the area and throughout the wider County Borough. Further, the use of appropriate external finishes, comparable to that of many other properties in the locality, will ensure the new properties are in-keeping with and not out of character with their wider surroundings. Additionally, the proposed dwellings would be suitably arranged in spacious plots around the cul-de-sac and positioned roughly within the centre of each plot, allowing for adequate amenity space and parking/turning areas. As such, it is not considered the proposal would lead to an over intensive form of development and would also allow for a degree of landscaping to be introduced. It is considered that this will further act as an appropriate buffer between the existing residential area and countryside beyond.

Finally, whilst it is accepted that the proposed upgrading of the access lane will result in the loss of a considerable amount of vegetation along its length, the vegetation is largely scrub/bushes rather than mature hedgerow and therefore it is not considered its removal would result in a visual impact significant enough to warrant refusal of the application; and as set out in detail below, replacement hedgerow planting and landscaping will be required as part of the ecological mitigation/enhancement scheme which would soften any potential impact.

Furthermore, the upgrading works would be relatively minor in nature, simply involving the resurfacing and widening of the lane with no significant engineering works required to allow safe vehicle and pedestrian access. As such, the construction works themselves will not be readily visible from outside of the lane and will therefore have a limited visual impact on the surrounding area.

Subsequently, whilst it is acknowledged that any development at the site and along the associated access lane will undoubtedly result in a considerable alteration to its current semi-rural character and appearance, it is considered the proposed development would appear as an appropriate rounding off of the residential settlement in this area of the village and would not result in a visual impact significant enough to warrant refusal of the application. The proposed development is therefore considered acceptable in this respect.

### **Residential Amenity**

It is not considered the proposed development would result in a significant impact upon the residential amenity and privacy standards currently enjoyed by the surrounding properties.

The proposed dwellings would be sited approximately 40m from the nearest existing property at Trefelin and approximately 60m from the nearest existing property at Potters Field. As such it is considered that sufficient separation distances would be maintained to ensure that no overshadowing or overbearing impacts would occur. Furthermore, the proposed site layout and orientation of the proposed dwellings, along with the separation distances and the fact that the trees/hedgerows along the boundaries of the main development plot will remain, will ensure that no undue overlooking would arise. Finally, whilst it is acknowledged that surrounding residents would be accustomed to the site being vacant and the access lane being primarily used by pedestrians and the introduction of a residential use would undoubtedly result in some disturbance, it is not considered any potential impact associated with 6 no. dwellings, within a residential area, would significantly increase levels of noise/disturbance/light above that which already occur.

It is acknowledged that a number of residents have expressed some concern with regard to the additional use of the access lane by construction traffic, commenting that the vehicles associated with the development of the site will cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries associated with construction. However, it is considered that this would occur over a limited period of time. Furthermore, Members are advised that should they be minded to approve the application, a condition is suggested below to control the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and at peak traffic times which will ensue any potential impact in this respect is kept to a minimum.

Finally, it is acknowledged that the proposed residential units would be located in close proximity of the adjacent bypass road, the A4059, and therefore potential future occupiers may experience a degree of noise and disturbance. In this respect an Environmental Noise Survey report has been submitted with the application that identifies sound monitoring was undertaken at the site and that subsequent detailed assessments of the suitability of the site, in accordance with the relevant British Standards, has also been undertaken. The report concluded that the adjacent highway may result in some impact to future residents, but the impact would not be significant and the development would meet the requirements of the relevant British Standards in respect of noise, providing a number of sound proofing measures are introduced. The Council's Public Health and Protection Section have considered the noise assessment report and commented that it is an appropriate assessment and the conclusions are acceptable. As such no objections are raised, but it is suggested conditions be attached to any consent ensuring the mitigation measures set out in the report are implemented on site.

### **Highway Safety**

No objections have been raised by the Councils Transportation Section following consultation, subject to a number of relevant conditions being attached to any consent.

In their assessment of the scheme the Transportation Section commented that the development site would be accessed off Trefelin via a newly formed junction. The new junction would have a 5.5m carriageway width, 6m radius kerbing with uncontrolled pedestrian crossing facilities either side, a 2m wide footway on one side (along which the existing PROW would be diverted), and vision splays of 2.4m by 21m to the left and in excess of 40m to the right. It is also noted that a continuous 0.5m wide footway has been incorporated on the eastern and northern flanks of the access road to accommodate services and the overhang of vehicles. As such, the proposed new junction complies with the relevant guidance set out in both Technical Advice Note 18: Transport and Manual for Streets, and is therefore considered acceptable. It is considered however that a speed reducing feature should be incorporated on the access road close to its junction with Trefelin for the benefit of pedestrians crossing the junction. As such a condition to this effect is suggested below.

With respect to parking, 3 no. off-street parking spaces would be provided within the curtilage of each dwelling in accordance with the guidance set out in adopted Supplementary Planning Guidance: Access, Circulation and Parking. As such the Transportation Section also have no concerns in this respect.

Therefore, in light of the above highways assessment, it is not considered the proposed development would result in any undue impact upon pedestrian and highway safety in the vicinity of the site, subject to the works set out in the conditions detailed below being carried out.

## **Ecology**

Given the Greenfield nature of the main development plot and the need to widen the existing access lane, much of the existing grassland area and vegetation along the lane will be lost following development. In light of this an Ecological Survey and Scoping Assessment and a Dormouse Assessment and Enhancement Proposals addendum were submitted in support of the application.

The ecology reports highlight that the main development plot forms an area of horse grazed grassland generally enclosed by bramble, willow and scrub, and the access lane is also lined with the same along its southern flank, along with several mature trees. The grassland is comprised of a diverse range of species and will be of value for common grassland invertebrates; and whilst no roosts have been found, the areas of scrub along the lane will provide foraging and connectivity habitat for bats and will support nesting birds. Therefore, as very little hedgerow would be retained along the access lane, there will inevitably be an impact upon bats and nesting birds. Subsequently, a number of recommendations in respect of replacement hedgerow planting are suggested.

The reports also detail that both the main development plot and the access lane have potential for dormouse habitat, but that none were found onsite and therefore dormouse likelihood is low.

Following assessment of the reports the Council's Ecologist commented that they correctly indicate that the site has a local ecological value, and that very little habitat will be retained on the main development plot and that the lane side hedgerows/tree/scrub edges will be largely lost. However, the information submitted is generally sufficient to demonstrate that the proposed development would not result in a detrimental impact to any protected species, subject to the mitigation and enhancement measures set out in the ecology reports be implemented on site. Subsequently, there does not appear to be any significant, over-riding species or habitat constraints, and no objection is raised subject to conditions being added to any consent requiring the full details of the proposed ecology mitigation and enhancement schemes being submitted to and approved by the Local Planning Authority prior to any works starting on site.

### **Public Right of Way**

As detailed above, the access lane which would need to be upgraded as part of the scheme forms a section of PROW ABD/15/3. Therefore, a formal diversion of the PROW will be required through a separate Public Path Diversion Order. The applicant has proposed that the PROW would now run along the new footway and therefore only a minor alteration to its route would occur.

Consultation has been undertaken with the Council's PROW Officer. No objections have been raised but it was commented that the diversion process should be completed prior to any development works commencing on site, and at no time shall the development works obstruct or interfere with the PROW. As such an informative note to this effect is suggested below.

### **Protected Trees**

A group of trees roughly halfway along the access lane are protected by TPO (TPO 135 (G1)). The proposed upgraded access and diverted PROW would respect these trees by meandering around them, the access road to the north of the trees and the PROW to south respectively. As such no protected trees would be removed and none would require any pruning works. Subsequently no concerns have been raised by the Council's Countryside, Landscape and Ecology Section following consultation.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Section. They did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. Therefore, given the nature and scale of the proposed

development, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Land Drainage and Flood Risk**

It is noted that the objectors have commented that the development of the field may result in surface water flooding to the surrounding area and that the existing public sewerage system in the area is at capacity and cannot support further houses. However, following consultation, no objections have been raised by the Council's Flood Risk Management (FRM) Section or Dwr Cymru Welsh Water (DCWW).

During their assessment of the scheme the FRM Section commented that the applicant has not provided any site drainage details with the application and consequently it is difficult to assess the potential impact of the proposed development in respect of drainage/flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requiring full site drainage details be submitted to and approved by the Local Planning Authority prior to any development works starting on site. Whilst these comments are appreciated, the proposed development works would have to gain separate Sustainable Drainage Systems (SuDS) approval from the Council as the Sustainable Drainage Approval Body (SAB) prior to any development works taking place. This process would ensure no drainage/flood risk issues would arise and it is therefore considered the suggested condition is not necessary. An informative note to this effect is therefore suggested below instead.

DCWW commented that whilst they have no objection to the scheme, as the method for the disposal of foul drainage is unknown, they request further consultation once the details are available. It is considered that this issue would be appropriately covered during any future, separate SuDS application process.

In light of the above advice, the development is considered acceptable in respect of site drainage.

### **Historic Mining Activities**

The application site lies within a defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue a Coal Mining Risk Assessment report (CMRA) has been submitted in support of the application and consultation with the Coal Authority (CA) undertaken.

The CA commented that the CMRA report, which has been informed by an appropriate range of sources of information, identifies that shallow coal and ironstone mining activity and a roadway associated with an off-site adit, which extends beneath the site, pose a risk to the proposed residential development. Accordingly, the report makes

appropriate recommendations for the carrying out of intrusive ground investigations in the form of boreholes in order to establish the depth and condition of shallow coal/ironstone seams and any associated workings before any development works take place.

The CA agrees with the outcomes of the report and raises no objection, subject to the suggested intrusive site investigations being undertaken at the site prior to any development works commencing to establish the exact situation regarding coal mining legacy. As such a condition to this affect is suggested below.

Th CA also noted however that the CMRA report does not outline what remedial measures are likely to be required in the event that mine workings are encountered beneath the site. Therefore the findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

Finally, the CA also commented that the CMRA report provides a general statement that the migration of mine gases from mine workings and mine entries can pose a risk to development, but fails to provide an assessment of the risk posed by mine gas in this particular instance. The CA therefore recommended that the LPA seek comments from the Council's Public Health and Protection Section on this matter and any resultant need for gas monitoring and/or the incorporation of appropriate gas protection measures within the proposed development.

Following assessment of the scheme the Public Health and Protection Section commented that they are in agreement with the CA and the recommendations of the submitted CMRA report that site investigation works are required prior to any development commencing on site. It was detailed that any investigations should include a ground gas monitoring programme to establish any presence of mine gas, and if unacceptable mine gas risk is encountered, a Mitigation Measures Plan must be submitted for review prior to any development works being undertaken; and verification of the measures installed, if any, must be submitted for review prior to occupation of any unit. Therefore, whilst no objections were raised, it was suggested the standard contaminated land conditions are attached to any consent to cover this issue.

### **Other Issues**

It noted that no objections were received from the Council's Waste Services Section, Wales and West Utilities, Western Power Distribution, South Wales Fire and Rescue Service, or South Wales Police, subject to standard conditions and advice.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- The adjacent properties along Harriet Street have rear access from the access lane. The development would remove this.

As noted above, following the concerns raised by residents of the adjacent properties in this respect, amended plans were received on 22/07/19 which detail that access to the rear of these properties from the lane would be retained.

- Japanese Knotweed is present along the access lane. Development at the site could lead to this spreading to the surrounding area/properties.

It was noted during the officer site visit that Japanese Knotweed was evident along a section of the access lane. However, the presence of invasive plant species on site is not in itself a reason to refuse a planning application, and the eradication of invasive plant species is the responsibility of the landowner. It is however considered prudent to attach a condition to any consent requiring the plant be appropriately removed prior to any development works starting on site to ensure there would be no impact to the future development, and to stop its spread outside of the development site. As such a condition to this effect is suggested below.

- Development may result in damage to neighbouring properties.

Whilst these concerns are acknowledged and any future incident would be regrettable, any damage caused by the developers to third party land would form a civil matter between those parties that the Council could not enter in to. As such this issue cannot be taken into account during the determination of the planning application.

- The applicant does not own the access lane leading to the site.

Whilst it is accepted the site access is not under the ownership of the applicant, Members are advised that an applicant does not need to be in sole ownership of a site in order to submit a planning application on it. Any person can submit a planning application on any area of land providing the correct notice process has been followed. In this case, as set out above, the applicant has signed Ownership Certificate D and confirmed that the relevant notice of the planning application has been advertised within a local newspaper prior to submission, from which no public response was raised. It is therefore considered that the applicant has undertaken all reasonable steps to find out who the landowner is prior to submitting the application, and the application can therefore be determined.

- The plans are not an accurate representation of the proposed development.

No explanation as to why the objector believes the plans are not an accurate portrayal of the proposed development have been provided.

Following assessment of plans submitted and a visit to the site, it appears that the existing plans / supporting information are an accurate representation of the current situation on site, and that the proposed development can be accommodated within the site boundaries.

### **Community Infrastructure Levy 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 application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones where a £nil charge is applicable. Therefore no CIL would be payable.

### **Conclusion**

Whilst it is acknowledged the development would form a prominent addition in the immediate locality, the proposed dwellings are considered acceptable in terms of their overall scale, design and visual appearance. Furthermore, it is not considered the properties would have a significant impact upon the amenity and privacy standards currently enjoyed by the neighbouring residential properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

It is also considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Therefore, taking the above into consideration, the application is recommended for approval.

### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.



2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- 24/2011/PL/001A
- 24/2011/PL/002A
- 24/2011/PL/003A
- 24/2011/PL/004A
- 24/2011/PL/005A

and documents received by the Local Planning Authority on 17/04/19, 20/06/19, 23/07/19, 06/12/19, 31/07/20, 25/08/20 and 29/01/21, 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.

3. No development shall commence on site until detailed information that indicates the external wall, roofing, glazing and ventilation specifications offered as noise mitigation to any dwelling identified as being situated within Noise Exposure Category (NEC) B (as defined in Technical Advice Note 11 and as detailed in Environmental Noise Survey – Land at Trefelin, Aberdare (ref: 5442/ENS1\_Rev1)) have been submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures shall achieve internal noise levels in compliance with BS8233:2014; shall be implemented in accordance with the approved details prior to beneficial occupation of each dwelling to which the measures apply; and shall remain in place in perpetuity.

Reason: In the interests of amenity, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence on site until detailed construction specifications, including noise mitigation properties and position(s) of any barrier(s) to be employed at any dwelling identified as being situated within Noise Exposure Category (NEC) B (as defined in Technical Advice Note 11 and as detailed in Environmental Noise Survey – Land at Trefelin, Aberdare (ref: 5442/ENS1\_Rev1)), have been submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures shall achieve appropriate noise levels in private external amenity areas in compliance with BS8233:2014 (55db(A) T or below); shall be implemented in accordance with the approved details prior to beneficial occupation of each dwelling to which the measures apply; and shall remain in place in perpetuity.

Reason: In the interests of amenity, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The development hereby permitted shall not commence on site until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  - i. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk-top study should contain a conceptual site model.
  - ii. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
  - iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

6. No dwelling hereby approved shall be brought in to beneficial occupation until the measures approved in the scheme referred to in Condition 5 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

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

recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

8. No development shall commence on site until a scheme of intrusive site investigation works, which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, including any roadway extending from the off-site adit, have been undertaken on site and a subsequent report of findings arising from the investigations has been submitted to and approved in writing by the Local Planning Authority. Should the investigations find that any remedial works must be undertaken on site, a subsequent report detailing the relevant works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. All development works shall be carried out in accordance with the findings of the intrusive site investigation works thereafter.

Reason: In the interest of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the approved plans, no development shall commence on site until full engineering design and details of the road layout that incorporates a speed reducing feature at its entrance including sections; street lighting details; and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The access road shall be carried out in accordance with the approved details prior to beneficial occupation of any unit on site and shall remain in place thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
  - a. the means of access into 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. wheel cleansing facilities

- e. the sheeting of lorries leaving the site

The approved Construction Method Statement shall be adhered to throughout the development process, unless agreed otherwise in writing by the Local Planning Authority.

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

11. Prior to the commencement of any development on site, a report indicating a methodology for undertaking a conditions survey of local roads (that could be affected by the proposed development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include:
- a. the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority
  - b. comprehensive photographs
  - c. and potential compensation arrangements

No dwelling hereby approved shall be brought into beneficial occupation until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the traffic use arising from the development does not have an adverse impact on highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Before any dwelling hereby approved is brought into beneficial occupation, the means of access, together with the vision splays and turning facilities, shall be laid out and constructed in accordance with the submitted layout plan ref. 24/2011/PL003/A.

Reason: In the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. The access shall be at a gradient not steeper than 5% (1 in 20) for the first 10 metres and thereafter not steeper than 12.5% (1 in 8), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. All HGV deliveries during the construction period shall only take place between the hours of 09:00am and 16:30pm on weekdays to and from the site.

Reason: In the interests of the safety and free flow of traffic and to protect the amenities of surrounding residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Prior to any development works commencing on site, a comprehensive scheme of hedgerow replacement and landscaping, which includes only native trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To afford protection to animal species and to ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

16. All planting, seeding or turfing in the approved details of hedgerow replacement and landscaping (referred to in condition 15) shall be carried out in the first planting and seeding season following the occupation of the final unit and any hedgerows, trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To afford protection to animal species and to ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

17. No development works shall commence on site, including site clearance, until full details of the proposed biodiversity mitigation and enhancement measures set out in the submitted Ecological Survey and Scoping Assessment (Barry Stewart & Associates, Ecological Consultants, August 2020) and Dormouse Assessment and Enhancement Proposals (Koru Ecology Associates, January 2021) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation/enhancement measures thereafter, and the mitigation/enhancement measures shall be installed on site prior beneficial occupation of the first unit.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

18. Prior to any development works commencing on site, including any site clearance works, full details of a scheme for the eradication of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and a subsequent validation report submitted to the Local Planning Authority prior to any development works commencing on site.

Reason: In order to ensure the eradication of Japanese Knotweed within the curtilage of the application site in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.



## PLANNING & DEVELOPMENT COMMITTEE

25<sup>th</sup> March 2021

### REPORT OF THE SERVICE DIRECTOR, PLANNING

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:**                      **20/0963 - Application for reserved matters approval (appearance, landscaping, layout and scale) for residential development including associated Works, Roads And Infrastructure, Former Clariant site, Llantrisant Road, Church Village**

#### **1. PUROPOSE OF THE REPORT**

Members are asked to determine the above planning application

#### **2. RECOMMENDATION**

That Member consider this report and determine the application having regard to the advice given.

#### **3. BACKGROUND**

This application was originally reported to the meeting of the Planning and development Committee held on 25<sup>th</sup> February 2021 with a recommendation that planning permission be granted. A copy of the original report is attached as **APPENDIX A**. At that meeting, Members resolved to defer determination of the planning application to allow further negotiation with the applicants in respect of the provision of affordable housing, and to allow the developer to give further consideration to addressing the layout concerns related to noise and the adjacent industrial estate and to address concerns relating to car parking at Role Play Lane. The full response to the concerns raised can be found in the letter at **APPENDIX B** and can be summarised as follows –

- The full remit of the Section 106 agreement secured against the outline planning permission includes in total 7% affordable housing, a local equipped area for play, £10,000 active travel contribution, long term habitat management plan, and employment skills plan.
- In addition to the Section 106 requirements the development of the site will also deliver Community Infrastructure Levy contributions in excess of £1,000,000.
- The development will provide 4% social rented walk up flats and 3% low cost home ownership.

- The provision of affordable housing can only be agreed at the grant of planning permission (in this case the grant of outline planning permission) and there is no provision to reconsider social housing provision at reserved matters stage.
- Change can be agreed between the parties if both parties agree but there can be no requirements as that would derogate from the original grant of planning permission.
- There is no provision within the section 106 agreement to reconsider the viability of the provision of affordable housing, which in any event is unchanged.
- Planning officers and public health officers consider the proposals to deal with noise acceptable.
- The mitigation offered includes a 3.5m barrier on the site boundary, uprated acoustic glazing and mechanical ventilation. These in combination bring noise levels below British Standard guidance
- Notwithstanding this the developer is indicating a willingness to raise the acoustic barrier to a height of 4m providing additional mitigation.
- Objectors refer to the Public Open Space being located on the industrial estate boundary on the outline application illustrative layout but it also showed housing on this boundary and a form of buffer.
- Noise issues were not raised at the pre application or outline application stage.
- Parking serving the Role Play Lane facility from the applicant's perspective is unauthorised and cannot be relied upon as it encroaches in to the Clariant site and the land concerned is outside of the control of the objector or the industrial estate.
- The applicants note that the drainage arrangements vary from those shown on the outline application illustrative layout in the current proposed detailed layout. This is a result of the re-engineering of the site which requires that the Public Open Space and attenuation basin features be moved to the locations now proposed
- The applicants also explain that the layout now proposed while at variance with the outline application illustrative layout, the proposals still meet the objectives of the Wildlife Protection Plan and Habitat Management Plan



Members are advised that the process description in respect of the provision of affordable housing as described by the applicants is correct as they are under no obligation to revisit the amount of affordable housing to be provided at the development. Clearly, whilst they could enter a deed of variation to the Section 106 agreement to alter the amount of affordable housing provided as part of the development the developer is disinclined to do so. Members are advised that a refusal of reserved matters on this basis would be very unlikely to succeed if the matter is taken to appeal.

With regard to the noise issue Members are advised that provision was made within the outline planning permission for the noise issues to be addressed at the reserved matters stage. In that the applicants have demonstrated that the proposed layout is acceptable as long as the attenuation measures are proposed are applied in the development of the site. The suggested increase in the height of the boundary noise attenuation barrier is welcome as it would improve the experience of future occupants and add certainty. The increase in height would not be considered to be otherwise significant in planning terms such as its impact on residential amenity over and above what has already been agreed.

The applicants position with regard to Role Play Lane has been made clear and it is a matter that lies outside of the consideration of this planning application. The comments in respect of the drainage and ecology bring further explanation and understanding to how the differences between the illustrative layout provided at the outline planning permission stage and the eventual site layout have evolved.

**PLANNING & DEVELOPMENT COMMITTEE**

**25 FEBRUARY 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0963/16 (GD)  
**APPLICANT:** Bellway Homes Ltd (Wales)  
**DEVELOPMENT:** Application for reserved matters approval (appearance, landscaping, layout and scale) for residential development including associated works, roads and infrastructure.  
**LOCATION:** FORMER CLARIANT SITE, LLANTRISANT ROAD, CHURCH VILLAGE, CF38 2SN.  
**DATE REGISTERED:** 17/09/2020  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION:** Approve

**REASONS:** The principle of the proposed development has been established through the earlier grant of outline planning permission and the details submitted under cover of this submission are considered acceptable in planning terms

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**REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

**APPLICATION DETAILS**

Reserved matters approval is sought for the appearance, landscaping layout and scale of 95 dwellings at the former Clariant site in Llantwit Fardre, the development would comprise the following house types

- 11no. Bowyer four bedroom house types
- 8no. Chandler three bedroom house types
- 9no. Cutler four bedroom house types
- 6no. Farrier four bedroom house types.
- 6no. Mason three bedroom house types.
- 5no. Philosopher four bedroom house types
- 12no. Potter house types (2no affordable units)

- 14no. Scrivener four bedroom house types
- 17no. Tailor three bedroom house types (1no affordable unit)
- 3no Thespian house three bedroom house types
- 4no DQR one bedroom flats (all affordable units)

In addition to the above house types the scheme also includes details of single and double garages that will serve some though not all of the houses.

The houses will be finished in either the Forterra Farmstead Antique brick or Forterra Berwell Buff brick. Detailing on two of the larger houses (the Bowyer and the Scrivener) will be varied by installing hanging tiles to some of the external walls to match the roof. Roofs will be slate grey Redland mini stonewold roof tiles. Windows will be in white uPVC with rainwater goods fascia's and bargeboards in black uPVC. Boundary treatments will be a combination of close boarded fences to the rear of properties with steel railings to the front and screen walls at appropriate locations.

Access to the site from Main Road was approved under the outline planning application. Within the site the houses would be served by a series of adopted roads and private drives. Internally the general arrangement consists of 5.5m carriageways with 2m footways either side with some sections and cul de sacs constructed as mews court consisting of 2m footway on one side and a 1m hard margin on the other, traffic calming plateaux have been placed on the highway network within the site at key locations.

## **SITE APPRAISAL**

The application site is comprised in a rectangular area of land of some 3.13 hectares located southeast of Llantrisant Road in Llantwit Fardre. The site slopes downwards from Llantrisant Road towards the Nant Dowlais. The site was formerly occupied by the Clariant laboratories (and Nipa laboratories before that) and the buildings associated with that have been demolished and all associated plant removed because of the reclamation of the site that was undertaken for licencing purposes. A further reclamation works of the site is now underway under the terms of the previously approved outline planning permission which will further improve the site to a developable standard.. The site boundaries including the site frontage, are reasonably well wooded for the most part though the boundary with the Newtown Industrial Estate is a little thin in places.

Access to the site is directly from Llantrisant Road at the northernmost corner of the site approximately 50m from the Duffryn Dowlais light controlled junction.

Other than for the presence of the Newtown Industrial Estate and its associated businesses, the wider area is entirely residential in character with a mix of modern and traditional homes of varying types, ages and sizes punctuated by areas of broadleaved woodland.

## **PLANNING HISTORY**

The site has an extensive planning history including hazardous substance consents relating to the former use of the site as a chemical/manufacturing plant. As the manufacturing use has ceased the following represent only the planning history following the closure of the plant.

18/1402	Outline application for residential development (all matters reserved save for access) with associated public open space, landscaping and associated works.	Approved 27 <sup>th</sup> May 2020
18/5123	Pre application Enquiry – residential development 100 – 120 units	Consent required and advice provided 4 <sup>th</sup> October 2018
18/5089	Residential development screening opinion	EIA not required 29 <sup>th</sup> August 2018
14/1682	Soil remediation works	Approved 1 <sup>st</sup> June 2015
12/0942	Prior notification of proposed demolition of chemical manufacturing buildings	Permission not required 11 <sup>th</sup> September 2012
12/0787	Prior notification of demolition of chemical manufacturing buildings	Permission required 17 <sup>th</sup> August 2012

## **PUBLICITY**

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in the submission of 5 letters of objection raising the following issues –

- The area does not have the infrastructure to cope with another new housing site
- The roads are congested.
- Residents already struggle to get a doctor's appointment.
- Schools are full.
- Established businesses on the adjacent Newtown Industrial Estate are noise generators and they are concerned that the introduction of residential properties backing on to the estate will adversely impact their activities.
- Transport proposals for the site are inadequate lacking active travel provision as submitted, and the details should make provision for connection to the public right of way to the south east of the site and the community route beyond and

the route from the site to it is car dominated. Formal Cycle and walking access on to Coed Dowlais. New raised zebra crossings and bus stops. A separate cycle way across the site entrance.

- Pedestrian access from the site to Church Village is far superior to that to Llantwit Fardre
- Is the access acceptable in such proximity to the light controlled junction?
- Concern is expressed that the development will lead to more traffic using the Coed Dowlais estate roads to access the M4 and A470 and traffic calming measures should be applied to this route to discourage the indiscriminate use of a well-used school route.
- Contamination needs to be dealt with before the site is redeveloped.

## **CONSULTATION**

Transportation Section – No objections subject to conditions imposed at the outline application stage being fully implemented as prescribed

Flood Risk Management – Raise no objection but advise that earlier drainage conditions be retained until such time as adequate details are provided. Also the applicant is advised that the development will be subject to the full SAB process.

Public Health & Protection – No Objections subject to compliance with conditions imposed at the outline planning application stage and the inclusion of further conditions relating to noise attenuation on the development. The developer is reminded that no housebuilding should take place until the clean cover plateau of the site has been provided.

Natural Resources Wales – No objections subject to compliance with the conditions relating to land contamination and pollution prevention imposed at the outline planning approval stage.

Dwr Cymru Welsh Water – No objection to the approval of reserved matters subject to compliance with conditions imposed at the outline planning application stage.

South Wales Fire & Rescue Service – Raise no objection subject to the developer ensuring adequate water supplies for firefighting purposes and ensuring adequate access for fire fighting vehicles.

Countryside – No objections

Education – no objections, CIL monies would be required to offset the impact of the proposed development on the provision of education in the locality

Glamorgan Gwent Archaeological Trust – No response received

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy AW1** – defines how housing demand will be met including amongst other things the development of unallocated land within defined settlement limits

**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 AW8** – aims to protect and enhance the natural environment.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy AW11** – sets criteria for the consideration of proposals aiming to promote alternative uses for employment and retail sites.

**Policy SSA11** – requires housing development at a minimum density of 35 dwellings per hectare unless mitigating circumstances dictate otherwise.

**Policy SSA12** – requires the provision of 20% affordable housing on development sites.

**Policy SSA13** – sets criteria for the consideration of housing proposals within settlement limits.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Affordable Housing
- Nature Conservation
- Planning Obligations
- Access, Circulation & Car parking
- Development of Flats
- 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 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development  
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:**

The principal considerations in the determination of this planning application are the impact of the proposed development on the character and appearance of the area the impact of the proposed development on residential amenity and privacy and whether or not the proposed development is acceptable in terms of its access and highway safety considerations, and that the layout respects the ecology of the area

The principle that the site is suitable for residential development was established with the grant of outline planning application 18/1402 on 27<sup>th</sup> May 2020

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

The immediate locality is characterised for the most part by a variety of housing types of varying age comprising both houses and flats. The exception to this being the buildings of the Newtown Industrial Estate which lie immediately west of the application site This delivers a wide variety of design in the building stock and indeed within the housing stock of the area, which lacks any consistency in visual appearance.

It is within the wider urban mix described above that the site will be developed as a discreet development set within its own well defined boundaries. The redevelopment

of Clariant would have a positive impact on the character and appearance of the area as a currently unused site that presents an air of dereliction would be replaced with modern housing.

The specific layout and design in this instance presents a legible estate of new housing containing a variety of house types and tenures of varying size. The overall storey height is consistent with traditional two storey dwellings, and all dimensions are compliant with the parameters agreed at the outline planning application stage

### **Impact on residential amenity and privacy**

The application site is a discreet and well defined area of land set within its own boundaries and it lies a sufficient distance from other established residential property so its development would have little or no impact on the residential amenity or privacy of any established residential development round about. In terms of its internal configuration the proposed houses and flats are laid out around a series of estate roads providing access to the properties and the properties themselves maintain acceptable distances between themselves such that they respect each others amenity and privacy. Typically front to front distances vary between 12.5m and 22.5m while back to back distances vary between 17.5m and 31m. This reflects a variation in density across the site and the variety of property types. The layout is in this respect typical of current trends in housing development and is acceptable in planning terms.

Members will note that the tyre business on the adjacent industrial estate have expressed concern at the proximity of houses proposed on the western boundary of the application site to their own facility. The reason for this is that their business was originally granted planning permission on appeal in the 1980's and as part of that permission there might be a condition requiring that certain activities not take place within 50m of a residential dwelling. Despite a search of our own records, those of the Planning Inspectorate, and requests to the Glamorgan Archive and National Archive no copy of the decision referred to has been found. Moreover the applicants in this case if the application is consented to, are the agent of change and it is incumbent upon them to address any potential nuisance that might arise as a result of existing ambient noise levels. To that end the applicants have provided a noise assessment in support of their proposed development and this has been subject to independent consideration by the Council's Public Health and Protection Division. Public Health and Protection are satisfied with the methodology, findings and recommendations of the report and subject to the application of appropriate conditions being attached to any permission that might be issued.

### **Ecology**

Following revisions to the landscaping scheme for the proposed development no objections are raised to the proposed development.

### **Access and highway safety**

Matters relating to the suitability of the proposed access, traffic generation, trip distribution and accessibility to public transport were addressed as part of the outline



application 18/1402 which was approved with decision notice issued 13<sup>th</sup> October 2017.

Parking provision is below the maximum requirements set out within the Council's SPG; Access Circulation and Parking March 2011), however, the shortfall is associated with smaller house types and 1 bed flat with a minimum of 2 spaces provided for each house and a minimum of 1 space for each 1 bed flat. The site is in a sustainable location and considering the improvements to bus stops in the vicinity of the site, provision of footway to Llantwit Fardre, provision of pedestrian controlled crossing and financial contribution to Active Travel schemes in the locality to support and encourage sustainable modes of travel the parking provision is considered acceptable. Members will note the comments from the public relating to connections to the sustainable transport network. Whilst this would be desirable it is unachievable as to provide such a facility would rely on acquiring third party land. Whilst some objectors make reference to an increase in traffic passing through the Coed Dowlais Estate no evidence is offered to suggest that this would actually be the case.

#### **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.

Members will note that in consultation concerns were expressed by the public regarding the contamination of the site and the need to deal with it prior to development. The outline planning permission is heavily conditioned to deal with this issue and to date the pathway that it sets out has been followed with the end goal of residential development taking place.

#### **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 CIL liable under the CIL Regulations 2010 (as amended).

The CIL (including indexation) for this development is expected to be £1,083,650.29

However, social housing relief may be claimed on the social housing element of the development.

#### **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:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. 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**

A Section 106 agreement in respect of this development was concluded under the terms of the outline planning permission

### **Conclusion**

The application is continuing to comply with the relevant policies of the Local Development Plan in respect of the residential development of a brownfield site within settlement limits. Furthermore, the applicants have been able to demonstrate the proposals are acceptable in terms of impact on the highway network and that the proposed internal arrangements are acceptable in highway terms. The layout and general arrangement of the site are acceptable in terms of impact on the character and appearance of the area and the arrangement is acceptable within itself in terms of promoting and maintaining acceptable standards of amenity and privacy about new dwellings.

### **RECOMMENDATION: Grant**

1. The consent hereby granted relates to the following plans:
  - Site location plan drawing no: CLAR 20-08-01
  - Site layout drawing no. CLAR 20-08-02 Rev A
  - Boundary enclosure drawing no. 20-08-04 Rev A
  - 1.8m screen wall detail drawing no. CLAR 20-08-ED01
  - 1.8m close board details drawing no. CLAR 20/08-ED02
  - 1.8m timber gate details drawing no. CLAR 20-08-ED03 Rev C
  - 1.1m railings drawing no. CLAR 20-08-ED05
  - Garages drawing no. CLAR 20-08 Rev A
  - Garage drawing no. A-436—TB Rev 2

- External materials layout drawing no. CLAR-20-08-03 Rev A
- Soft landscaping masterplan & ecological mitigation drawing no. 2079401-SBC-))-XX-DR-L-200 Rev PL04
- Detailed soft landscaping plan 1 of 2 drawing no.2079401-SBC-))-XX-DR-L-401 Rev PL04
- Detailed soft landscaping plan 2 of 2 2079401-SBC-))-XX-DR-L-402 Rev PL04.
- Tree pit & hedge details drawing no. 2079401-SBC-00-XX-DR-L-301 Rev PL01
- Topographic survey Rev A
- Engineering drawing 10278-100-01 Rev G
- Engineering drawing 10278-100-02 Rev G
- Basin section & headwall details drawing no. 10278-105-1
- Single garage drawing no. A/218/00/TB/R2/01
- Double garage drawing no. A/436/00/TB/R1/01
- 2 person 1 bed flat drawing no. CLAR 20-08-2P1B/F
- The Potter drawing no. A/769/00/AT/01 Rev F
- The Potter drawing no. A/769/00/AT/02 Rev F
- The Tailor drawing no. A/802/00/AT/01 Rev F
- The Tailor drawing no. A/802/00/TB/R1/02 Rev F
- The Thespian drawing no. A/921/00/AT/01 Rev H
- The Thespian drawing no. A/921/00/AC/01 Rev H
- The Chandler drawing no. A/951/00/AC/01 Rev H
- The Chandler drawing no. A/951/00/TB/R1/02 Rev H
- The Mason drawing no. A/1059/00/AT/01 Rev L
- The Mason drawing no. A/1059/00/TB/02 Rev L
- The Farrier drawing no. A/1165/00/AC/01 Rev C
- The Farrier drawing no. A/1165/00/TB/02 Rev C
- The Scrivener drawing no. A/1214/00/AC/01 Rev J
- The Scrivener drawing no. A/1214/00/TB/02 Rev J
- The Scrivener drawing no. A1214/00/TT/02 Rev J.
- The Cutler drawing no. A/1335/00/AC/01 Rev F
- The Cutler drawing no. A/1335/00/TB/02 Rev F
- The Bowyer drawing no. A/1356/00/AT/01 Rev H
- The Bowyer drawing no. A/1356/00/TB/02 Rev H
- The Bowyer drawing no. A/1356/00/TT/02 Rev H
- The Philosopher drawing no. A/1507/00/AT/01 Rev D
- The Philosopher drawing no. A/1507/00/TB/02 Rev D

Reason: for the avoidance of doubt as to the approved plans.

2. Prior to beneficial occupation of any property with facades highlighted in Figure 4.2 of the Noise Impact Assessment (January 2021) all glazing on habitable rooms (at first floor level) in that property must meet the minimum sound index figures detailed in Table 4.3 (Glazing Sound Reduction Index Figures) of the Noise Impact Assessment (January 2021). The measures as provided shall be retained in perpetuity.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The properties highlighted in Figure 4.2 of the Noise Impact Assessment (January 2021) shall meet the performance figures detailed in Table 4.2 (External Wall Sound Index Figures) of the Noise Impact Assessment (January 2021). The glazing supplies shall provide independent laboratory test data confirming their proposed systems (including frames / seals) meet the quoted octave band sound reduction performance figures in Table 4.3. This data shall be submitted to and approved in writing by the local planning authority prior to the occupation of any property to which the glazing relates, (highlighted in Figure 4.2) and retained as such thereafter. All other facades shall be constructed with standard thermal double glazing and trickle ventilation prior to occupation and retained as such thereafter.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Any plots highlighted in red/ yellow in Figure 4.2 of the Noise Impact Assessment (January 2021) shall not be occupied until a ventilation strategy for that plot has been submitted to and approved in writing by the Local Planning Authority. The ventilation strategy shall not rely on opening windows to achieve the 'whole building' and 'extract' ventilation rates. A mechanical ventilation with heat recovery (MVHR) shall be utilised which does not require any trickle vents in the external façade. The MVHR system on these critical plots should also allow windows to remain closed to ground floor spaces whilst maintaining required ventilation. The heating of the plots will be confirmed as part of the measures via and Early Stage Overheating Assessment tool (Good Homes Alliance, July 2019). The approved strategy shall be implemented in full prior to occupation and retained as such thereafter.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. All plots with facades highlighted in green in figure 4.2 of the noise impact assessment (January 2021) shall utilise system 3 dMEV fans to all rooms throughout the home to provide fresh air through acoustically treated trickle ventilators . These trickle ventilators shall be installed to the habitable rooms highlighted and shall achieve the performance detailed in table 4.4 of the noise impact assessment (January 2021). All mechanical ventilation must be designed to achieve the noise level details in figure 4.5 of the noise impact assessment (mechanical ventilation) . These measures shall be implemented prior to the occupation of the properties that the facades relate to and shall be retained as such thereafter.

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Any property identified as needing acoustic treatment shall be subject to an assessment prior to its beneficial occupation to confirm that the measures and recommendations approved in the Noise Impact Assessment (January 2021) for that property have been fully implemented. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the property that the assessment relates to

Reason: To ensure that the affected properties benefit from an appropriate level of amenity and protection from noise in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

tudalen wag

Date: 11<sup>th</sup> March 2021

Our Ref: 20.158

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Dear Gareth

**Town and Country Planning Act 1990 (As Amended)**  
**20/0963 Former Clariant Site, Llantrisant Road, Church Village, CF38 2SN**  
**Letter in support of application.**

Asbri Planning Ltd is appointed by Bellway Homes Ltd (Wales) in respect of the above site.

Further to last week's committee, Bellway Homes Ltd (Wales) has considered the points raised by Members in the debate, namely affordable housing provision, noise and the parking for Role Play Lane. Drainage and ecology have also been considered following additional comments regarding the layout. Also as discussed, we would like this application to be reconsidered at the 25<sup>th</sup> March Committee.

**Affordable Housing**

Outline planning application 18/1402 with all matters reserved except for access was resolved to be approved by RCT Committee on the 5<sup>th</sup> December 2019 subject to the completion of a Section 106 Agreement. The Heads of Terms set out in the Committee Report were as follows:

- 7% affordable housing
- Local Area of Play
- £10,000 Active Travel contribution
- Long Term Habitat Management Plan
- Employment Skills Plan

in addition to the CIL requirements which will equate to contributions of over £1m:

Outline planning permission (reference 18/1402/13) was granted on 27 May 2020 ( ' the Outline Planning Permission' ) subject to conditions including the approval of the reserved matters set out in condition 1. In accordance with S106 of the Town and Country Planning Act 1990 and in compliance with the Community Infrastructure Levy (CIL) Regulations 2010 a section 106 agreement was entered into on 21 May 2020 ( 'the S106 Agreement' ) which sets out amongst other planning obligations the affordable housing requirement for the site. The S106 Agreement required the provision of 7% affordable housing to be provided in accordance with the Third Schedule of the Section 106 Agreement. This requires the owner to construct 7% of the dwellings as affordable housing units of which 4% are to be Social Rented Units in the form of one bedroom Walk Up Flats and 3% Low-Cost Housing Units. The Low-Cost Housing Units are to be split 2% in the form of 2-bedroom houses and 1% in the form of 3-bedroom houses. The

Compliance Statement which accompanied the reserved matters application demonstrates compliance with the Outline Planning Permission and the S106 Agreement. The matter of the provision of affordable housing can only be controlled at the point of grant of planning permission, the outline planning permission in this case and the associated Section 106 Agreement. The reserved matters approval (application reference 20/0963) is limited to the approval of the appearance, landscaping and layout and scale for the residential development of 95 dwellings including associated works, roads and infrastructure and there is no legal basis for Rhondda Cynon Taff County Borough Council ('RCTCBC') in considering the reserved matters application to seek additional affordable housing over and above what is required in the Section 106 Agreement. The subsequent approval of reserved matters does not constitute the granting of a further planning permission. So, for example, in relation to conditions, any conditions relating to anything other than the reserved matters themselves should not be imposed and nothing should be imposed which materially derogates from the outline permission (see Welsh Circular 016/2014 at 5.9 and R v Newbury DC ex parte Stevens and Partridge (1992) JPL 1057). Whilst it is accepted that in some circumstances a developer and local authority may agree to vary an existing s. 106 agreement at reserved matters stage (or indeed at any stage), there can be no requirement to do so in order for a decision on the approval of reserved matters to be taken, particularly where – as here – the RCTCBC seems to be seeking to derogate from the principle of the development and the permission already granted.

Bellway Homes does empathise with Members and they are committed to delivering affordable housing, but the 7% was agreed by RCT Committee prior to Bellway Homes' involvement in the scheme and, given CIL is in force in RCT, there was less scope to negotiate other contributions on viability grounds in favour of more affordable housing during the determination of the outline consent.

It should be noted that the Outline committee report included the following discussion with regard to affordable housing -

*The provision of affordable housing would be secured through a Section 106 agreement should Members be of a mind to support the proposals, due to the constraints that the site presents in terms of dealing with contamination in particular only 7% affordable housing can be delivered on this site. **This though disappointing, has been thoroughly investigated through an independently prepared and verified viability report.***

There is no mechanism or requirement within the S106 to re-consider the viability position of the scheme, and indeed, nothing has changed with regard to the site's viability in the 15 months since the Outline application was presented to planning committee and the issue was debated by Members.

## **Noise**

There were comments from Members in relation to noise emanating from the adjacent industrial use. Firstly, the Environmental Health Officer and Planning Officer are comfortable that the noise emanating from the industrial estate is acceptable with the mitigation proposed. The mitigation included a 3.5m acoustic barrier in the form of a fence, uprated acoustic glazing in certain properties and mechanical ventilation as appropriate. This mitigation brings noise levels down to below the British Standard guidance. Notwithstanding, Bellway Homes has now proposed increasing the height of the fence to 4m to provide further mitigation. This results in a greater reduction in noise levels again, so further below the British Standard guidance. It is noted that the objector stated that the POS was identified in this area in the outline consent, but there were still houses proposed along the western boundary in the outline consent, north and south of the proposed POS, and a buffer was identified in the outline consent in the vicinity of the tyre centre as well. Notwithstanding the above it is noted that no noise issues raised at the outline stage and at pre-app stages.



## **Role Play Lane Parking**

Unfortunately, the Role Play Lane parking that is being referred to is unauthorised as it involves encroachment of land by the industrial estate into the Clariant site. Therefore that additional Role Play parking cannot be relied upon as it is on land not in the control of Role Play Lane or the industrial estate. Consequently, this is not a planning matter. Further, Bellway Homes are not the landowners of the Clariant site, therefore it is not in their control to resolve this matter.

## **Drainage**

In addition, and in terms of the RM layout a number of factors influenced the layout. As the surface water outfall is in the bottom right the properties originally proposed along the southern boundary would have obstructed access to this area. The original strategy for reasons unknown showed the attenuation on the opposite side of the site to the outfall. It was also determined during the preliminary engineering review that additional space for attenuation was required therefore it was more efficient to place the POS area in the south which could accommodate all of the drainage requirements. This has been further reinforced with the confirmation of the remediated and finished floor site levels.

It should be noted that the remediated site levels have already been approved via condition which shows the attenuation basin in the south east of the site, at the lowest point, whereas the land adjacent to the industrial estate is some 8 - 10metres higher. If there were a requirement to provide a POS noise buffer adjacent to the industrial units, in addition to the required attenuation basin in the south east of the site, this would result in the loss of units (including affordables) and further issues of financial viability for the scheme.

No planning conditions were applied to the outline planning permission which required compliance with the indicative site layout and no issues were raised with the layout at the pre-application stage or throughout the determination of the RMs application requesting that we introduce a greater noise buffer to the units along the western boundary.

## **Ecology**

The ecological mitigation and enhancements do not differ significantly between the indicative layout submitted at Outline stage and the current layout, with existing boundary vegetation to the east and south protected. The main difference relates to the southern part of the application site where the RM drainage design and size of the attenuation basin would not permit the extent of vegetation to be retained as indicated at Outline stage. In order to protect and enhance the retained and created habitats at the site, draft Wildlife Protection Plans and Habitat Management Plans have been produced as part of the RM submission (to discharge Outline conditions). These details will be submitted shortly.

The stated aims of the Habitat Management Plan are:

‘to create, manage and enhance features within the red line boundary to maintain conservation status of the SINC that falls within the red line boundary.

The following objectives will allow delivery of the management aim:

- Manage retained trees & boundary vegetation
- Maintain ecological connectivity with Llantwit Fardre SINC
- Creation of attenuation pond with specific wildflower/marshy planting
- Maintain standing deadwood where possible
- Control invasive non-native species (INNS)

- Provide specific habitat management for targeted species, including Small Blue butterfly, Marsh Fritillary Butterfly and Small bordered Fritillary Butterfly.
- Provide additional habitats for reptiles/amphibians/nesting birds/bats.
- Provide hedgehog access in residential gardens'

I trust the above is of assistance and if you require anything further then please let me know.

Yours sincerely

**Pete Sulley**  
**Director**  
**Asbri Planning Ltd.**



## PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0986 - Construction and use of a stack with associated pipework and a continuous emissions monitoring systems gantry with ladder access, Fifth Avenue, Hirwaun Industrial Estate, Hirwaun

#### **1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

#### **2. RECOMMENDATION**

That Members consider this report in respect of the application and determine the application having regard to the advice given.

#### **3. BACKGROUND**

This application was originally reported to the 4<sup>th</sup> March 2021 meeting of the Planning and Development Committee with a RECOMMENDATION of APPROVAL.

A copy of the original report is attached as **APPENDIX A**.

Members resolved to refuse the application as it was considered that the erection of a 90-metre-high stack would constitute "*an incongruous and inappropriate development which has an adverse, detrimental and unacceptable visual impact on the landscape and compromises the visual amenity*"

As a consequence, it was resolved to defer determination of the application for a further report from the Director of Prosperity and Development to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

#### **4. PLANNING ASSESSMENT**

Committee is advised that, as was stated in the original report, issues of “visual amenity” are considered to be more of a valued judgement than many of the more technical issues that are often set out in a report.

In that respect, the debate that led to the resolution considered all aspects of the proposal and concluded that the impact of the stack on this area, having regard to its position at the western gateway to the County Borough and in such close proximity to the Brecon Beacons National Park is considered to be reasonable (in the Planning sense of the term).

To support such a decision it is recommended that the reason offered by Committee supplemented having regard to the specific policies within the Local Development Plan namely AW5 (New Development), AW6 (Design & Placemaking) and AW10 (Environmental Protection & Public Health), It is also recommended that the reason for refusal cites the impact in respect of its sensitive location within the County Borough and the Brecon Beacons National Park.

Should Committee ratify its original condition it is suggested that the following reason may be appropriate:

**The erection of a 90 metre high stack would constitute an incongruous and inappropriate development which has an adverse, detrimental and unacceptable visual impact on the landscape and compromises the visual amenity at this key gateway location to the County Borough and the southern edge of the Brecon Beacons National Park. As such it considered to be out of accord with Policies AW5, AW6 & AW10 of the Rhondda Cynon Taf Local Development Plan.**

In reaching a decision, Committee are reminded of the consultation responses from both the BBNPA and NRW as well as the independent landscape and visual assessment carried out by White Consultants. While none of these actually suggest in any way that the erection of a 90-metre-high stack makes a positive contribution to the area, none of them actually objected in respect of this aspect of the proposal.

It is likely that these responses will be put forward by the applicant (at appeal) in support of the development and it is unlikely that NRW or the BBNPA would give evidence at a Public Inquiry to support the Council’s decision (although their opinion will be sought should Committee decide to refuse the application)

It is respectfully suggested that Committee has regard to the balanced judgements referred to in this report (and the previous report) however, if Members are still minded to refuse the application, then the suggested reason given above is considered to be appropriate.



**PLANNING & DEVELOPMENT COMMITTEE**

**4 MARCH 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0986/10 (CHJ)  
**APPLICANT:** Enviroparks (Wales) Limited  
**DEVELOPMENT:** Construction and use of a stack with associated pipework and a continuous emissions monitoring systems gantry with ladder access.  
**LOCATION:** FIFTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN  
**DATE REGISTERED:** 29/09/2020  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve subject to a S106 Agreement

**REASONS:** The only change proposed by this application relates to a minor relocation and increase (doubling) in height of the stack and some ducting associated with the revised location. All other aspects of the development remain unchanged and are not under consideration.

The application falls to be determined under two principal criteria namely (a) emissions and (b) visual amenity.

In respect of emissions, this is something that is wholly governed by NRW and will be the subject of an application under the Environmental Permitting Regulations (EPR). NRW have advised that, for the purposes of the planning application, the emissions modelled by the applicant are acceptable (and is actually lower than modelling for the scheme granted planning permission in 2019 suggested). EPR will cover all aspects of both human health and that associated with flora and fauna that can be susceptible to changes in atmospheric conditions (in particular, the Marsh Fritillary Butterfly and Devil's Bit Scabious within the Blaen Cynon SAC). Without an approval under EPR, the development cannot become operational (and is therefore unlikely to be constructed / completed).

In respect of visual amenity, neither NRW or BBNPA have objected to the impact and an independent Landscape Consultant (White Consultants) has concluded that the impact, while being significant, is also acceptable. The applicant's proposal to "grade" the colour of the stack and its location on the bottom of the valley floor means that the majority of views will be seen against the elevated landforms rather than the skyline, so any impacts are minimized.

**There are understandable concerns expressed by the letters received in objection, however these concerns relate largely to issues that have previously been considered (and approved) by both RCT and the BBNPA on two separate occasions.**

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#### **REASON APPLICATION IS BEING REPORTED TO COMMITTEE:**

The nature of the development (including previous consents at the site), the level of objection received in respect of the proposal and the assurances given to the local Members (and the local MS & MP) is such that a Committee decision is considered appropriate / necessary.

#### **BACKGROUND INFORMATION**

In 2008 EWL (then called Enviroparks (Hirwaun) Limited) submitted planning applications to both Rhondda Cynon Taf County Borough Council (RCT) and the Brecon Beacons National Park Authority (BBNPA) for planning permission for the following development:

*“Development of a sustainable waste resource recovery and energy production park comprising 27,562 sq.m. of buildings and structures, including a 10,240 sq.m. building for Use Class B1/B2 us: process buildings; a gatehouse and weighbridge, a visitor centre and administration building; a 20MW net capacity combined heat and power plant; with a 40m ventilation stack; external anaerobic digestion, liquid gas holding tanks; 30,352 sq.m. of internal roads and hardstandings; vehicular parking; external security lighting; 17,497 sq.m. of landscaping; vehicular ingress and egress from Fifth and Ninth Avenues, and associated utilities infrastructure.”*

Planning applications were made to both RCT & BBNPA as the administrative boundary bisects the site (the larger proportion of the site being within the BBNPA administrative area). Both LPAs approved the development through their respective Planning Committees (RCT Reference 08/1735 & BBNP Reference 08/02488) on different dates but consent was issued upon completion of a Section 106 Agreement on 21<sup>st</sup> December 2010.

Since this consent, the developer has implemented the scheme through the construction of the first phase. However, since the original scheme design was prepared in 2008, advances in waste recovery technologies and a *“much-changed policy and commercial landscape for waste recovery and renewably energy generation”* resulted in a review and a focus on waste gasification technology, with the associated process plant being contained within a single large building.

In 2017, a revised planning application (again to the two respective LPAs) was submitted for the following development:

*“Amended Phase II development and operation of a sustainable waste resource recovery and energy production park, comprising the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 sq.m. gasification hall; an emissions stack measuring 45 m in height and 3.5 m in diameter; a 2,102.86 sq.m. fuel storage hall and a 378 sq.m. turbine hall for electricity generation; and a 4,824 sq.m. open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary*

*fire water tanks and a fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape planting.”*

Again, both of these applications (RCT Reference 17/0249 & BBNPA Reference 17/14587) were approved by the respective LPAs, with consents being issued upon the signing of a revised S106 Agreement, in February 2019.

Committee is advised that an “Enviroparks Evolution” plan showing the various iterations of this scheme has been included as APPENDIX 1 and serves as a useful guide to the history of this proposal.

## **APPLICATION DETAILS**

Since the last approval in 2019, the applicant has reviewed the Phase II proposals in response to further modelling of the anticipated emissions from the gasification process. The applicant has decided to seek planning permission to relocate the main stack within the Enviroparks site and to increase the height of the structure from 45 m (as currently consented) to 90 m *“in pursuit of a superior operational and environmental performance”*.

The revised stack, including its access from the public highway, is now located (for the first time) wholly within the jurisdiction of RCT (as the LPA) and Committee is informed that this proposed change is only being submitted to RCT for determination, with the BBNPA being a consultee to the application.

The proposed development that forms the subject of the current planning application relates solely to the provision for an amended main stack. **No other elements of the previously consented (and implemented) schemes are proposed to be altered.**

The current proposal is for a 90 metre high stack which will be 3.95 metres in diameter. This is a change from the consented scheme which proposed a 45 metre high stack at a 3.50 metre diameter. The stack would move a short distance from its approved location (within the BBNPA) where it would have *“occupied the verge between the northern side of the Gasification Hall and an internal spine road”* (which is already constructed).

The increase in height of the stack follows further studies on the emissions of the Enviroparks plant, particularly in relation to acid and nutrient deposition on the nearby Special Area of Conservation (SAC).

To facilitate access for emissions monitoring (in conjunction with NRW) a Continuous Emissions Monitoring System (CEMS) gantry is proposed around the stack at a deck height of 18.5 metres above the adjoining ground level. Access to the CEMS gantry would be by means of a permanent steel frame ladder.

The CEMS gantry would be a cantilevered platform 10.5 metres in diameter, meaning that it would overhang the existing access road if it was to be located at the stack’s currently consented location. Given the space restrictions, the applicant has decided to relocate the stack itself to the service yard on the eastern side of the Gasification Hall. The applicant has advised that this location *“would provide more space in which to maintain the stack and promotes the mutual safety of access road users and staff working on the stack”*.



The stack is proposed to be finished in a smooth, flangeless, external cladding with a “graded” colour scheme reflecting a technical assessment of local landscape colours to help minimise any visual impact. No visible aviation lights are proposed (any that may prove necessary would be infra-red and invisible to the human eye). The adjacent Gasification Hall would be connected to the stack by means of pipework located above head height and below the level of the gantry.

The stack would stand on an impermeable reinforced concrete slab. The stack components would be brought to the site in modular sections and erected by crane. The applicant has advised that it would take approximately one month to complete but it is likely to be done in association with the construction of the development as a whole.

The applicant has advised: *“there is inherent environmental benefit in the proposal in respect of the dispersion of emissions to the atmosphere and the reduced potential for nutrient nitrogen deposition on protected habitats. However, this comes at the price of a taller structure and an important design consideration was how this would be accommodated in local and distant views, including views from local residential properties and from the Brecon Beacons National Park.*

*The brief was thus to find a design solution for the taller stack that meets operational, air quality and habitat protection objectives whilst presenting an acceptable landscape and visual solution”.*

Committee is advised that an assessment of the impact of the stack is discussed, in detail, in the **PLANNING CONSIDERATIONS** section of this report (and appendices).

## **SITE APPRAISAL**

The application site itself (the subject of this application) comprises a relatively small area of land within the wider (approved) Enviroparks development. As stated above, all of the current application site is now located wholly within the RCT LPA administrative area. None of the application site is located within the BBNPA LPA administrative area although the broader site sits within both – the larger proportion of which is within the BBNP.

The Enviroparks site lies within the Hirwaun Industrial Estate, which lies to the north of the A465 (Heads of the Valley) trunk road, close to its junction with the A4059 / A4061 between Brecon and the Rhondda Valley.

Road access to the site is gained from the A465(T) Heads of the Valley road via the A4061 Rhigos Road, which leads onto Fifth Avenue. The site has existing road accesses from Fifth Avenue to the south and Ninth Avenue to the east. These are currently sealed to deter unauthorised access.

The nearest large settlements in the area are Merthyr Tydfil 11 km to the east, and Aberdare, 7 km to the south-east. Local settlements include Hirwaun, 2 km to the south-east of the site, the village of Penderyn 2 km to the north-north-east, and Rhigos, which lies 1.7 km to the south-west of the application site. There are isolated smaller dwellings closer to the site, and two hotels.

The site is located in an area of varied terrain. Whereas the Hirwaun Industrial Estate occupies a generally level area of land, the land rises gently to the south and east, and more steeply to the east and north, into the National Park.

Established land uses in the locality are also diverse, with a variety of manufacturing, storage and waste reclamation activities taking place on the industrial estate itself, and with a large area to the south-east of the industrial estate occupied by the (now largely complete) workings of the former Tower Colliery.

Across Ninth Avenue from the application site stands a large industrial complex operated by Eden Industries. On the southern side of Fifth Avenue to the south-east of the site are other industrial sheds and storage yards. The area to the north and west of the planning application site is more rural in character, comprising woodlands and well-defined fields used for pasture.

Water storage, transfer and treatment facilities are a notable feature of the locality. Immediately to the north of the planning application site is the Penderyn reservoir, a lake formed by high artificial embankments. The reservoir is used for fishing by the Mountain Ash Fly Fishers Association (MAFFA). In addition to the reservoir there are operational pumping station and treatment facilities at the northern end of Ninth Avenue and on both sides of Fifth Avenue to the south-west of the application site.

The Enviroparks site itself contains a first phase of development with the following built elements.

- A large building, known as the Fuel Preparation Hall, in the south-east part of the site, with a gatehouse, temporary construction laydown and parking areas and foul and surface water drainage works.
- Internal site access roads, running from the site entrance on Ninth Avenue, westwards across the central area of the site and then southwards to Fifth Avenue at the south-western corner of the site.

Other areas of the site are covered in grass with some trees and shrubs inside the northern and western site boundaries.

The Enviroparks site is in a transitional position between the National Park to the north and the Hirwaun Industrial Estate to the south and east. The wider landscape to the south of the site contains a range of structures with a vertical emphasis, mainly including electricity pylons and wind turbines. Structures of an industrial appearance are to be expected in a large and long-established employment area. The wider landscape to the north (within the BBNP) has, understandably, fewer such structures.

While the whole Enviroparks site itself does not contain any environmentally protected areas, there are in the vicinity of the site, several areas of land that are protected for nature conservation purposes. These include:

- the Blaen Cynon Special Area of Conservation (SAC), which encompasses the Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI)
- the Woodlands Park and Pontpren SSSI.
- the Coedydd Nedd a Mellte SAC, which encompasses the Coedydd Nedd a Mellte SSSI
- Dyffrynoedd Nedd a Mellte a Moel Penderyn SSSI
- Seven Ancient Woodlands are located within 2 km of the site.

## PLANNING HISTORY

**08/1735/10:** Development of a sustainable waste resource recovery and energy production park **Decision: 21/12/2010, Grant**

**15/1346/10:** Erection of a building measuring 2,368.47 square metres to enclose apparatus of consented gasifier unit (under planning permissions BBNPA 08/02488/FUL and RCT 08/1735/10) on the Enviroparks Hirwaun site to form an extension and continuation to the consented Fuel Preparation Area Building. Landscaping and external gasifier plant equipment. **Decision: 25/01/2016, Grant**

**15/1361/39:** To add a new condition to planning permission 08/1735/10 to include the plans originally submitted to accompany the planning application as a set of approved plans.

The list of originally submitted plans to be included as approved plans is:

- Drawing Ref: 8016 PL 001 'Site Location Plan'
- Drawing Ref: 8016 PL 002 'Existing Site Survey'
- Drawing Ref: 8016 PL 010 'Existing Site Sections'
- Drawing Ref: 8016 PL 011 Rev C 'Proposed Site Sections'
- Drawing Ref: 8016 PL 051 Rev B 'Engine House Elevations'
- Drawing Ref: 8016 PL 050 Rev B 'Engine House Floor Plans'
- Drawing Ref: 8016 PL 081 'High Energy User Elevations'
- Drawing Ref: 8016 PL 080 'High Energy User Floor Plans'
- Drawing Ref: 8016 PL 041 Rev A 'Fuel Preparation Area Elevations'
- Drawing Ref: 8016 PL 040 Rev A 'Fuel Preparation Area Floor Plan'
- Drawing Ref: 8016 PL 030 'Visitors Centre Floor Plans'
- Drawing Ref: 8016 PL 031 'Visitors Centre Elevations'
- Drawing Ref: 8016 PL 071 'Pyrolysis Elevations'
- Drawing Ref: 8016 PL 070 'Pyrolysis Floor Plan'
- Drawing Ref: 8016 PL 020 'Gatehouse Floor Plan, Section and Elevations'
- Drawing Ref: 8016 PL 060 Rev A 'Biomax Floor Plan'
- Drawing Ref: 8016 PL 061 Rev A 'Biomax Elevations'
- Drawing Ref: 8016 PL 003 Rev I 'Proposed Site Plan'

**Decision: 14/06/2016, Grant**

**15/1351/15:** To vary the condition relating to a set of approved plans by replacing the following approved plans: • Drawing Ref: 8016 PL 011 Rev C 'Proposed Site Sections' • Drawing Ref: 8016 PL 051 Rev B 'Engine House Elevations' • Drawing Ref: 8016 PL 050 Rev B 'Engine House Floor Plans' •

Drawing Ref: 8016 PL 071 'Pyrolysis Elevations' • Drawing Ref: 8016 PL 070 'Pyrolysis Floor Plans' • Drawing Ref: 8016 PL 003 Rev I 'Proposed Site Plan' With the following plans: • 'Proposed Site Layout Plan' Drawing Ref: 10455-2020 • 'Proposed Site Sections' Drawing Ref: 10455-2021 • 'Pyrolysis Elevation Plan' Drawing Ref: 10455-2022 • 'Pyrolysis Floor Plan' Drawing Ref: 10455-2023 • 'Engine House Elevation' Drawing Ref: 10455-2024 • 'Engine House Floor Plan' Drawing Ref: 10455-2025. **Decision: 01/02/2019, Grant**

**15/1353/39:** To include FPA Phase II Drawing Ref: 10455-2004 as an approved plan attached to Planning Permission 08/1735/10 to allow minor changes to the external appearance of the Phase II section of the FPA Building to reconfigure the elevations and roof light configuration to match Phase I non-material amendments and allow uniform integration with proposed Gasifier Building elevations. **Decision: 14/06/2016, Grant**

**16/1189/38:** Revised Temporary Wildlife Protection Area - Completion of Mitigation Works. **Decision: 21/12/2016, Grant**

**17/0232/39:** This non-material amendment seeks to relocate the HV (High Voltage) substation from its approved location on the eastern site boundary fronting Ninth Avenue to a new south eastern location within the site fronting Fifth Avenue. **Decision: 30/03/2017, Grant**

**17/0249/10:** Amended phase II development and operation of a sustainable waste resource recovery and energy production park, comprising the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 m<sup>2</sup> gasification hall; an emissions stack measuring 45 m in height and 3.5 m in diameter; a 2,102.86 m<sup>2</sup> fuel storage hall and a 378 m<sup>2</sup> turbine hall for electricity generation; and a 4,824 m<sup>2</sup> open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary fire water tanks and a fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape and planting (Additional information relating to the Environmental Statement received 19/09/17). **Decision: 01/02/2019, Grant**

## **PUBLICITY**

As the proposals qualify as a major application, the applicant undertook pre-application consultation and a Pre-Application Consultation Report was submitted with the planning application.

Once submitted the application was publicised by Notices being placed in the vicinity of the site (and surrounding area) and by a notice being placed in the Press (Western Mail). The publicity exercise undertaken was exactly the same that was undertaken in respect of previous applications at this site.

It is understood that some local residents may have also undertaken additional publicity using the Council's "official" Notice and through Social Media.

As a result of this exercise 217 letters of objection / concern were received in addition to 4 petitions including 4,004 signatures – most including a specific reason for that objection.

Letters were also received from Beth Winter MP and Vikki Howells MS.

Committee is advised that not all of the reasons given for objection are under consideration in the determination of this application. Further clarification of this will be given in the **PLANNING CONSIDERATIONS** section of this report. However, in the interests of completeness and as a courtesy to those people who have taken the time and trouble to make representations, a summary of the comments received is included below for Committee's information.

Committee is advised that the volume of letters received have some nuance in their specific concerns but have been grouped into themes however the material planning considerations therein remain the same:

- It would have a detrimental effect on the environment
- It would be like the Phurnacite plant was (pollution / air quality)
- It would impact on deprived communities (Welsh Index of Multiple Deprivation)
- It would be contrary to the Well Being of Future Generations (Wales) Act 2015 and Article 8 of the Human Rights Act 1998.
- It would be a pollution risk to the Penderyn Reservoir (water supply)
- Emissions would affect the local communities and wider area dependent on weather conditions and the prevailing wind (affecting air quality).
- The volume of traffic and pollution would increase greatly due to the HGVs delivering to the site / roads are already congested.
- The erection of the stack would be a monstrosity / eyesore within the landscape and not compatible with the surrounding area / character.
- The stack would result in a loss of visual amenity.
- The pollution would affect the "dark skies" / impact on the "planetarium" proposal.
- It would affect tourism / regeneration plans for the area.
- The pollution would be a significant worry for both the elderly and children (with 3 schools in the vicinity) as well as people with respiratory problems / it would affect air quality.
- It would affect the viability of the existing Industrial Estate and deter firms from coming / affect surrounding farms.
- The people of this area have suffered enough with heavy industry in the past which is now coming to an end and want to see more "clean" developments being undertaken (including tourism).
- The development would affect the value of homes in the area.
- The development would result in wind-blown waste.
- There is an unacceptable cumulative effect on the landscape (with the wind turbines).
- The development would result in offensive smells (and in one specific regard may affect the viability of the Penderyn Distillery Warehouse).
- The stack will have an unacceptable impact on the Brecon Beacons National Park (views to and from).

- The stack would affect enjoyment of the surrounding areas (being used for recreation).
- A previous application for a single (67m) wind turbine was refused on the grounds of impact on the BBNP so how can a 90m high stack be allowed?
- The butterflies (Marsh Fritillary) are afforded more protection than humans.
- The height of the stack could affect the bird population.
- RCT Planning has designated this area as a dumping ground for the County Borough and may not be considered in a more affluent area.
- It is in a Special Landscape Area / would affect the beauty of the surrounding area.

## **CONSULTATION**

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information. Members are advised that in the determination of this application, some responses will have a greater weight in the decision-making process and greater detail has been included in the **PLANNING CONSIDERATIONS** section of this report.

**Mountain Ash Fly Fishers Association** – object to the development due to the potential for pollutants from the stack to harm the fish population and potable water supply

**RCT Highways** – no objection

**RCT Public Health & Protection** – no objection

**RCT Countryside, Landscape & Ecology** – no objection

**BBNPA** – has “some concerns” over the impact on the proposal on the setting of the National Park but does not object.

**Neath Port Talbot County Borough Council** – initially objected due to the impact on environmentally designated sites within its boundary but subsequently removed the objection upon further clarification from the applicant.

**Rhigos Community Council** – object to the development on the grounds of visual impact and the health and well-being of residents of Rhigos and the wider community.

**Hirwaun & Penderyn Community Council** – object to the development on the grounds of pollution and damage to the environment, visual impact, tourism, resident's health & wellbeing, increased traffic and congestion, and the development being at odds with the Well-being of Future Generations Act. They also highlight the role of the Community Council to represent local residents and object to developments that may cause harm.

**Dwr Cymru / Welsh Water** – no objection (subject to a S106 Agreement)

**Coal Authority** – no objection

**National Grid** – no objection

**Civil Aviation Authority (CAA)** – no objection

**National Air Traffic Services (NATS)** – no objection

**Natural Resources Wales (NRW)** – has “significant concerns” in respect of the development and its potential impact on the Blaen Cynon SAC (emissions) but confirm that the proposed development would be subject to an application / consideration under EPR.

NRW suggest conditions that, if included, result in no objection in respect of the impact on the landscape and the BBNP.

**White Consultants (Independent Landscape Advisors)** - Notwithstanding the adverse effects, it is considered that, with appropriate colour mitigation, the effect of the stack is likely to be minimised, especially seen in the context of the developed valley bottom and against a backcloth of higher upland landforms to the north and south. A full copy of this report has been included as **APPENDIX B**.

## **POLICY CONTEXT**

Committee is advised that the Policy considerations listed below are similar to those that formed part of previous applications, save for an updated PPW and the introduction of the (over-arching) National Development Framework (Future Wales: National Plan 2040).

Whilst the policies are universally relevant, Committee is advised that any consideration of the context should relate only to the specific development under evaluation and not the development of the site as a whole (for which a detailed and implemented consent exists).

Further clarification will be given in the **PLANNING CONSIDERATIONS** section of this report.

### **Future Wales: National Plan 2040.**

Future Wales is the National Development Framework for Wales and will have a legal status as a Development Plan as of 24<sup>th</sup> February 2021 and therefore must be taken into account in making a decision.

As the name suggests it sets out a framework for development within Wales. It is a 20-year plan (2020-2040) “*for shaping the future growth and development of our country*”.

It is a development plan “*for addressing key national priorities through the planning system including sustaining and developing a vibrant economy, achieving decarbonization and climate-resilience, developing strong eco-systems and improving the health and well-being of our communities*”.

Future Wales does not contain statements on all land use planning issues set out in Planning Policy Wales. It has policies on issues where the Welsh Government considers them a national priority at this time or matters which are distinctly spatial and require national leadership.

Decisions on planning applications must be taken in accordance with the development plan.

**National Parks:** National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas. National Parks are at the heart of resilient ecological networks and have a key role to play in Strategic Development Plans as part of the sustainable management of natural resources, protecting Wales's cultural heritage and promoting health and well-being.

Future Wales policies respect the functions of National Parks in terms of their statutory purposes. At the regional scale, where National Park Authorities will be considered in the context of a wider spatial region, their statutory duty must inform Strategic Development Plans. Planning Policy Wales sets out the wider planning policy context for National Parks.

**Our Natural Environment:** We have numerous designations for our natural environment throughout our land and seas. These are important sites and networks for habitats and species, from the local to the international scale. We must ensure they are protected and enhanced now and for future generations.

**Natural Resources:** Wales has a rich variety of nature conservation sites, covering a diverse range of important and unique habitats and protected species. Ecosystems underpin our well-being, health, economy, culture and identity. We depend on them to provide us with food, raw materials and clean water, and to regulate our climate and air quality. The need to reverse biodiversity decline and assist nature recovery is of imperative importance in its own right. Environmental pressures are causing global biodiversity declines at rates not previously encountered in human history and the rate of species extinctions is accelerating.

Many of our key industries such as agriculture, forestry, fisheries, energy, water and tourism rely on healthy, functioning ecosystems to prosper and to support communities across Wales. We must align the response to the climate emergency with the need to address the twin challenge for biodiversity. Ensuring the resilience of our ecosystems will reverse biodiversity decline and provide an opportunity to promote green growth and innovation to create sustainable jobs, sustain a more resource efficient economy and maintain healthy, active, sustainable and connected communities.

**Renewable energy:** Policy 17 of Future Wales 'strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs' and encourages the effective use of waste heat. The consented Enviroparks development that the proposed stack would serve would use an advanced gasification technology to generate renewable electricity and heat from waste, and could supply this energy to consented industrial units on the northern part of the Fifth Avenue site.

### **Planning Policy Wales (Edition 10)**

Chapter 3: "*Strategic and spatial choices*" contains guidance on the definition of good design.



Paragraph 3.8 states that *'addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits'*.

Section 5.4 concerns economic development.

Paragraph 5.4.13 advises local planning authorities to *'deliver physical regeneration and employment opportunities to disadvantaged communities'*.

Paragraphs 5.4.16 - 5.4.18 proceed to promote the development of business clusters.

Section 6.3 highlights the importance of valued and protected landscapes including national parks.

Paragraph 6.3.6, *'In National Parks, planning authorities should give great weight to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities. Planning authorities should also seek to foster the social, economic and cultural well-being of their local communities'*.

Section 6.4 draws attention to the 'section 6 duty' to enhance biodiversity and protect ecosystems introduced by the Environment (Wales) Act 2016. The duty is of particular relevance in the context of statutorily protected wildlife sites such as the Blaen Cynon SSSI and SCA and other designated areas in the locality.

### **Technical Advice Note 12: Design (March 2016)**

TAN12 elaborates upon the design advice in PPW.

*"The purpose of this TAN is to equip all those involved in the design of development with advice on how 'Promoting sustainability through good design' and 'Planning for sustainable building' may be facilitated through the planning system'.*

### **Rhondda Cynon Taf Local Development plan (the LDP)**

**AW5** – New Development

**AW6** – Design & Placemaking

**AW8** – Protection & Enhancement of the Natural Environment.

**AW10** – Environmental Protection & Public Health

**AW12** – Renewable & Non-Renewable Energy

**NSA14** – Employment Allocations in the Northern Strategy area (includes Hirwaun Industrial Estate)

**CS9** - confirms that Hirwaun Industrial Estate is an appropriate location for in-building waste management uses of the type consented in the current application.

## **Technical Advice Note (TAN) 5: Nature Conservation and Planning**

TAN 5 advises on the consideration of applications affecting a Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI) – as well as other sites of nature conservation interest.

**1.6.1** *“Biodiversity conservation and enhancement is an integral part of planning for sustainable development...The use and development of land can pose threats to the conservation of natural features and wildlife...But development can also present significant opportunities to enhance wildlife habitats and the enjoyment and understanding of natural heritage”.*

**2.4** *“When....deciding planning applications that may affect nature conservation, local planning authorities should:*

- *ensure that appropriate weight is attached to designated sites of international, national and local importance.*
- *ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation*
- *adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation...”*

**4.5.1** *“Environmental Impact Assessment is a process intended to identify and assess the likely significant environmental effects of a proposed development, in order to inform decision making. It should ensure that the impacts of projects likely to have a significant effect on the environment are thoroughly investigated, understood and considered before deciding whether or not to grant consent”.*

Sections 4.6 and 4.7 advise on the use of conditions and planning obligations (S.106 Agreements) when granting planning consent.

**5.3.1** *“Local Planning Authorities should follow the procedures....for development which might affect European sites....and, more generally, should have regard to the requirements of the Habitats Directive in the exercise of their planning functions”.*

**5.4.4** *“The Assembly Government expects local planning authorities to:*

- *apply strict tests when carrying out functions within or affecting SSSIs, to ensure that they avoid, or at least minimise, adverse effects;*
- *adopt the highest standards of management in relation to SSSIs which they own; and*
- *as owners, or otherwise, take positive steps, wherever possible, to enhance the special interest features of a SSSI where their activities may*

*be affecting it, or where opportunities arise in the exercise of their functions.”*

**6.3.1** *“Under the Habitats Directive...a licensing authority cannot issue a license to enable development to be carried out unless it is satisfied that:*

- *there is “no satisfactory alternative” to the derogation, and*
- *the derogation is “not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.*

SACs are sites of international importance and are designated by the Welsh Ministers in light of recommendations made by NRW.

SSSIs are nationally important sites. They are notified by NRW and may be designated on any area of land of special interest by reasons of its flora, fauna, geological or physiographic features. The purpose of designation is to protect the special features of the site.

Development proposals in or likely to affect a SAC or SSSI must be subject to special scrutiny.

### **Brecon Beacons National Park Management Plan 2015-2020**

BBNPA's Brecon Beacons National Park Management Plan 2015-2020 defines the Special Qualities of the Brecon Beacons National Park as follows:

- 1. A National Park offering **peace and tranquillity** with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.*
- 2. A feeling of **vitality and healthfulness** that comes from enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.*
- 3. A **sense of place and cultural identity** - “Welshness” - characterised by the use of the indigenous Welsh language, religious and spiritual connections, unique customs and events, traditional foods and crafts, relatively unspoilt historic towns, villages and family farms. The continued practices of traditional skills developed by local inhabitants to live and earn a living here, such as common land practices and grazing.*
- 4. A **sense of discovery** where people are able to explore the Park's hidden secrets and stories such as genealogical histories, prehistoric ritual sites, medieval rural settlements, early industrial sites, local myths, legends and geological treasures.*
- 5. The Park's **sweeping grandeur and outstanding natural beauty** observed across a variety of harmoniously connected landscapes, including marvellous gorges and waterfalls, classic karst geology with caves and sink holes, contrasting glacial landforms such as cliffs and broad valleys carved from old red sandstone and prominent hilltops with extensive views in all directions.*

**6. A working, living “patchwork” of contrasting patterns, colours, and textures** comprising of well-maintained farmed landscapes, open uplands, lakes and meandering rivers punctuated by small-scale woodlands, country lanes, hedgerows, stone walls and scattered settlements.

**7. Extensive and widespread access to the Park’s diversity of wildlife and richness of semi-natural habitats**, such as native woodlands, heathland and grassland, natural lakes and riparian habitats, ancient hedgerows, limestone pavement and blanket bogs including those of international and national importance.

**8. In the context of the UK, geographically rugged, remote and challenging landscapes.**

**9. Enjoyable and accessible countryside** with extensive, widespread and varied opportunities to pursue walking, cycling, fishing, water-based activities and other forms of sustainable recreation or relaxation.

**10. An intimate sense of community** where small, pastoral towns and villages are comparatively safe, friendly, welcoming and retain a spirit of cooperation.

## **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.

Committee is advised that Future Wales 2040 is now considered to be a Development Plan (from 24<sup>th</sup> February 2021) which must now also be taken into account when reaching a decision.

Committee is advised that many of the objections / concerns raised as part of this application largely relate to the development of the site as a whole and not to the specific proposal under consideration. While the majority of the comments made are material planning considerations (insofar as they relate to genuine planning issues), these issues have been previously considered as part of the two principal consents granted at this site for the development of an “energy from waste” facility and are not directly relevant in the consideration of this specific application and can therefore only be given very little weight in reaching a decision.

It is considered that the principal issues in the consideration / determination of this application are:

- Emissions (especially any impact on public health and ecologically important designations) and,
- Landscape / Visual Impact (including any impact on the “special qualities” of the BBNP, impacts on residential areas, the surrounding countryside and the potential for it to impact on tourism).

### **Emissions**

Committee is advised (reminded) that the consideration of emissions emanating from the stack is fully regulated and controlled under legislation outside of the Planning system. Regardless of whether the applicant be successful with this application or construct the previously approved scheme (which included a 45 metre high stack), a separate consenting regime exists to deal with any emissions. **Separate consent will need to be sought (and granted) from NRW under the Environmental Permitting Regulations (EPR) before the development can be brought into any beneficial use.**

NRW has provided a consultation response that offers “*significant concerns*” as a result of this development. Discussions with NRW have highlighted that these largely relate to the uncertainty over the impact of the development, as a whole, on sensitive habitats. This will be addressed under EPR and NRW is content for the current application to be approved subject to the retention of relevant planning conditions from the 2019 Enviroparks planning permission and the agreement of a Deed of Variation to the existing S106 agreement. The remaining comments / conditions relate to the landscape and visual impact and will be addressed in the next subject heading. A copy of this consultation response is provided as **APPENDIX C**

Some objections have suggested that Enviroparks had previously applied to NRW for consent under EPR (and implied that it had been turned down). This was specifically raised with NRW who has advised that they had previously received an application from Enviroparks at this site but it was subsequently withdrawn.

NRW’s recommendation (in their consultation response) was that the applicant should have “twin-tracked” the Planning application and the application under EPR. However the applicant has not done this and indeed there is no requirement for any developer to do it in that manner. Committee is advised that this has no direct relevance to the consideration of this application (on its own merit).

As part of this application, the applicant has advised that there will be no new emissions as a result of this proposal. Whether a 90 metre or 45 metre stack is constructed, the consideration of “emissions” from the plant will remain the same as those approved under previous applications. There is some public concern that emissions will be increasing or are likely to increase in the future (albeit with no specific evidence to substantiate this view). Whether the applicant is correct or the objectors are correct, Committee is advised that it is a matter for NRW to determine and consider under the EPR.

The applicant has stated that the increase in height is required “*in pursuit of a superior operational and environmental performance*” but that does come at a

price of a greater visual impact. It is for Committee to decide whether that impact is acceptable or not.

Committee is advised that the principal consideration relative to emissions is the potential for impact on the Blaen Cynon Special Area of Conservation (SAC). This SAC is home to the Devil's-Bit Scabious which is a food plant for the (declining) Marsh Fritillary Butterfly population, which is a protected species under European Legislation and classed as a "priority species" under the UK Post-2010 Biodiversity Framework.

There are, understandably, very strong feelings amongst objectors about the potential for this development / stack to impact on human health and many have cited the proximity of nearby schools (and villages). Emissions, and any associated impact they may have, is clearly a material planning consideration of some considerable weight, however, the arbiter of any dispute lies not only outside of the Planning system but also outside of the Council.

Committee needs to be satisfied that, in determining this application, proper regard will be had to the issue of emissions through an appropriate regulatory body. NRW have responded (in their consultation response) "*We have completed a high level review of the submitted air quality assessment and as a result of this review, we are satisfied that the dispersion modelling methodology is appropriate for the purposes of informing the planning application*". They further add "*.....it would only be when full details of modelling and technology is provided and considered as part of an EPR application, that NRW's permitting function would be in a position to properly verify the data*"

It is considered that NRW are the appropriate body, and if emissions are largely the same, the Council (as LPA) is in no different a position than it was when approving previous applications at this site (although NRW notes that emissions in respect of "*nutrient nitrogen deposition*" and "*acid deposition*" are actually **lower** than previously considered),

Any concerns, whether from an ecological or human health standpoint will be investigated (with equal diligence according to the appropriate levels set out in National legislation) and considered as part of an application that must be made under the Environmental Permitting Regulations.

In a similar vein, concerns (objections) have been raised in respect of the likelihood of emissions from the stack affecting the water supply at the nearby reservoir (also used by the Mountain Ash Fly Fishers). Committee is advised that this issue was considered in detail as part of the original application. In response to the current planning application, Dwr Cymru / Welsh Water required some further clarification from the applicant. Following the submission of this information DC/WW advised that they were now satisfied that appropriate safeguard would be in place and offered no objection. This would be the subject of the same requirements attached to a S106 Agreement that establishes a baseline evaluation (before the plant is in operation), regular monitoring (while the plant is in operation), and an Action Plan (to effectively deal with any incidents should they occur). In light of the comments from DC/WW it is considered that any concerns have been appropriately addressed.

In light of the above comments it is considered that the proposal complies with Policies AW5, AW6, AW8, AW10 & AW12 of the Rhondda Cynon Taf Local

Development Plan, and that the significant volume of concerns expressed will be properly addressed through that process.

### **Visual Impact / Visual Amenity**

The applicant proposes a 90 metre high by 3.95 metre wide stack along with some ancillary ducting and a monitoring platform (described in **APPLICATION DETAILS**).

The stack is twice the height (and slightly wider) to that previously approved and will form a significantly visible feature in the landscape.

The applicant proposes to “grade” the colour of the stack using various colours and shades to help minimise the impact when viewed against the landscape (rather than provide it in one solid colour – usually grey). They have provided a range of options before concluding that one of the options (3) performs better than the others. These options / visuals will be provided as part of the presentation to Committee.

Members are advised that it is not possible to hide a structure of this size and scale however, it must be acknowledged that in certain instances, especially on industrial developments and on industrial estates, features such as the one being proposed are sometimes necessary.

**The key question for Committee is whether the provision of such a structure is acceptable in this location having regard to all of the circumstances surrounding the proposal and taking into account the views (sic) of the key players in evaluating any impacts.**

Committee is advised that, in applications such as this, there are **two principal consultees** upon whose written responses, the Council (as LPA) must give due weight and consideration.

Firstly, **NRW** are Welsh Government’s Landscape Advisors and also have, within that, a remit for assessing the impact on Statutory Designations, which in this case is the National Park.

Secondly, the **Brecon Beacons National Park Authority** advise on the development and its potential to impact on the “special qualities” of the Park and to ensure that the determining Authority has regard to them in reaching a decision.

Both NRW and BBNPA consultation responses are included for Committee’s information as **APPENDIX C & D** and are referred in detail to later in this Section.

In applications such as this, there is no requirement of the determining authority to carry out an independent assessment of the information submitted by an applicant to evaluate the impact on landscape and visual amenity (although there is a need to determine whether the LPA actually agrees with the conclusions that an applicant has reached).

Landscape Assessment can be a complicated discipline and the Council no longer has the ability to provide this type of assessment in-house. The Council is also mindful of the need to assess applications in the context of the statutory purposes of National Park designation and the special qualities of the Brecon

Beacons National Park specifically, as identified earlier in this report. Given the large public response (exclusively in opposition) to the proposal and following a question / request from a local Councillor, it was decided to commission an independent assessment of the impact of the proposed stack on the landscape. This report was to undertake two related, but separate tasks:

- Firstly, it was to review the information submitted by the applicant to see if it was fit for purpose and,
- Secondly, to independently assess the impact and provide an opinion on its acceptability (solely in relation to landscape and visual impacts), having regard amongst other things to the statutory purposes and special qualities of the Brecon Beacons National Park.

It was decided to use White Consultants (based in Cardiff). Some Members may recall that White Consultants were used to assess all of the large windfarm applications that have been submitted in RCT (Pen y Cymoedd, Mynydd Bwllfa, Maerdy, Abergorkii, Fforch Nest, etc). In the case of the Mynydd Bwllfa wind farm, White Consultants also acted as an expert witness in the Planning Inquiry (Appeal) at which the Council was successful in defending its decision. White Consultants were also used by the BBNPA to assess the landscape and visual impact of the original Enviroparks proposal on the National Park. White Consultants also have 30 years' experience in this discipline. A full copy of the report has been included for Committee's information as **APPENDIX B**.

#### NRW's Response

NRW are the Welsh Government's statutory landscape advisors. In respect of the potential for the scheme to impact on the BBNP, they state:

*"We note that the proposal would result in an increased adverse visual effect on the adjacent landscape of the National Park. There would be an increase in the areas of the National Park from which the proposed stack is visible as a result of the increase in height from 45m to 90m. The proposed stack would include a metal gantry & ladder at approximately 18.5 metres and would be metal clad in a smooth finish with a graded colour scheme intended to be visually recessive.*

*The majority of the views of the proposed stack from and towards the National Park are from high ground, with the exception of close views from Penderyn Reservoir and the backdrop of the landform, rather than against the sky in silhouette.*

*We have reviewed the updated "Environmental Statement Addendum – Chapter Eight-Appendix 8.3 prepared by Enviroparks dated September 2020". We agree that the changed colour scheme (Option 3) is more sensitive to its context and would better integrate the stack in views from and towards the National Park"*

In light of the above comments, there are **no objections from NRW** in respect of the landscape impact and impact on the BBNP subject to the applicant undertaking the "graded" finish put forward in their application.

#### BBNPA Response



On 5<sup>th</sup> November, the BBNPA replied to the consultation (as part of the application process). Their response was caveated insofar as it was their “Officer” response and was subject to change when it was reported to their respective Planning Committee. This meeting took place on 15<sup>th</sup> December 2020 after which time it was subsequently confirmed that the comments contained within the original consultation response were ratified by BBNPA Committee and now constituted their formal response.

A copy of the BBNPA response has been included as **APPENDIX D**.

The consultation response sets out the policy and legal context that gives special consideration to the National Park and also the requirements of any Authority in making a decision to have regard to this and assess the impact of a development on the “special qualities” of the Park and the functions it performs.

Committee is reminded that the location of the proposed stack is now located outside the boundary of the BBNP although the greater proportion of the Enviroparks development site **as a whole**, is still located within the BBNP area.

The response concludes:

*“The Brecon Beacons National Park Authority have some concern over the landscape and visual impacts of the proposed 90m stack and the impacts this then has the statutory purpose of the National Park – “to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park”. The NPA also have concerns that the proposal will adversely impact on two of the Special Qualities of the Park – its sweeping grandeur and outstanding natural beauty” and the “working, living “patchwork” of contrasting patterns, colours and textures”. It will be for the determining local planning authority to give due regard to these impacts in the determination of this planning application”.*

#### White Consultants Response

The assessment carried out by White Consultants was carried out in 3 stages:

- The first stage (in October 2020) was a preliminary review of visualisations (submitted as part of the application). It was responded to by Enviroparks’ Landscape Consultants.
- The second stage, completed in November 2020 was a review which considered the proposals and associated LVIA and other information submitted, after which further clarification was sought from Enviroparks’ Landscape Consultants; and
- The third stage considers all of the information submitted to reach a conclusion (and recommendation to the LPA).

In this assessment, White Consultants have particular regard to the impact of the development on the “special qualities” of the BBNP in making the recommendations. These include:

- Scenic quality and sense of place
- Landscape quality and integrity
- Perceptual qualities

The relevant sensitivities of the above “special qualities” include built or other developments which may detract from the sense of tranquility and remoteness, and also visual impacts including night-time light pollution associated developments beyond the National Park boundary.

Rather than summarise the whole report (and potentially miss some of the balanced judgements that have been made in reaching a recommendation), **a full copy of the report is attached for Committee’s consideration**. A copy of this report has also been placed on the Council’s website to enable the public (especially the objectors) to have sight of it prior to the application being reported to Committee. For ease of reference, White Consultants’ “Conclusions and Recommendation” are made in Chapter 9.

White Consultants have concluded that the applicant’s consultants may have understated the levels of effects of the increased height of the stack from some locations, although that is primarily a matter of professional judgement. It is also critical that some of the photomontages and key photographs submitted by the applicant are not adequate as the sole guide for choosing the colours to be used in the grading of the stack. In order for this to be effective, it is considered critical in requiring an on-site visit with an official RAL Colour Chart to verify the optimal colours. It is recommended that, if the application is approved, that this should form the basis of a condition.

A number of objections received refer to the plumes of smoke that would be emitted from the stack (referring to it as an incinerator) and the potential for pollution. The applicant has confirmed that there will not be any plumes of smoke associated with the operations (as it is not an incinerator). This was queried by White Associates (from a landscape and visual perspective) as part of the assessment insofar as the impact of a 90 metre high stack would be magnified if it is increased (albeit temporarily) through the release of emissions (a “plume”). Notwithstanding the applicant’s response, White Consultants suggest that it is inevitable that during certain weather conditions some emission (whether as steam or other vapour) is likely to be noticeable – so has also taken this into account in the assessment. As highlighted earlier in the report the content of any emission is solely a matter for, and regulated by, NRW.

White Consultants also advise that the LVIA assessment on landscape character are somewhat limited. While the assessment of impacts is accepted it also considers that the spread of these effects is wider than stated. It has also been found that the applicants submitted assessment did not find significant effects on the BBNP special qualities and that White Consultants find that there are significant effects on a limited southern part of the Park in regards to the qualities of “sweeping grandeur and outstanding natural beauty” and “peace and tranquility”.

White Consultants conclude that there will be 5 viewpoints undergoing significant effects at Year 15 rather than the 2 stated by the applicant. The significance of this is that White Consultants consider that the significant effects intrude further into the National Park than the LVIA suggests. Notwithstanding this however, White Consultants note that *“the spread of effects into the National Park still appears to be relatively limited due to the location of the development within a developed valley bottom and seen against a large-scale landscape backcloth”*.

It also concludes that there is one likely significant effect on a dwelling (Trebanog Uchaf), but that “*no dwellings are likely to breach the threshold for unacceptable effects*”.

While White Consultants suggest that the applicant has an “*opaque*” way of determining cumulative effects, it is considered that the outcome is reasonable. The proposed development does combine with existing industrial development and windfarms to erode the scenic qualities and tranquility of this edge of the National Park.

White Consultants concludes that “*notwithstanding the adverse effects found...it is considered that, with appropriate colour mitigation, the effects of the stack is likely to be minimised, especially seen in the context of the developed valley bottom and against a backcloth of higher upland landforms to the north and south*”

### Conclusions (LVIA)

Committee is advised that it is not possible to hide a large (90 metre) structure and that it will form a significant intrusion into the landscape (where no structure currently exists at the site).

The increase in height of an additional 45 metres magnifies the impacts considered in previous applications (acknowledging that the stack, until now, fell wholly within the BBNPA LPA area). **The key consideration for Committee in determining this application is whether this increase in height is acceptable having regard to the information submitted and the consultation responses received (including objections received from residents of nearby villages).**

The applicant’s own submission assesses the potential for any impact and concludes that, while there will (obviously) be some significant effects, these effects are limited and are not of such significance so as to warrant the refusal of the application. It is not unexpected that an (any) applicant’s assessment would conclude that the impact of a development is acceptable, so it is of paramount importance in the consideration of this application to balance such a view against other responses received.

NRW have “significant concerns” (but don’t object) in respect of the development however, within the field of landscape and visual, they consider the applicant’s proposal to grade (colour band) the external surface of the stack essential in minimising any impact and require a condition to be added in order to secure this.

The BBNPA have “some concerns” (but don’t object) in respect of the development. They remind the determining authority (RCT) about the requirement to consider any impact upon the “special qualities” of the Park in the decision-making process. Given the proximity of the proposed development to the boundary of the National Park, it would not be unreasonable to conclude that, if it was thought that the erection of a 90m high stack in such close proximity was considered unacceptable, that this would result in an objection or a consultation response worded more strongly.

White Consultants report assesses both the applicant’s submission and assesses the proposal in its own right. While they have some concerns over

some of the information submitted and the amount to which the applicant relied on this information to make an assessment of the impact, it still concludes that with the appropriate mitigation being put forward by the applicant (to grade the colour of the stack) that any impact is minimised because the majority of the views will be set against a background of higher upland landforms. White Consultants are critical of the methods used in their proposal to grade the stack in line with a “preferred” option. However, this is largely a matter of procedure that, when it comes to agreeing the actual colours that will be used, a RAL Colour Chart must be used in the identification of the colours used.

While public concern over the impact of the increased height may be a “blot on the landscape” and an inappropriate inclusion within the landscape at this “gateway to RCT / NPT / edge of the BBNP” location it is considered that the consultation responses from the statutory bodies (and the assessment therein) suggest that the impact is acceptable and would be a significant material planning consideration in the determination of this application.

In light of the above comments / consultation responses it is suggested that the impacts on the landscape, residential areas and the “special qualities” of the BBNP are acceptable and that the proposed development is in accord with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Third Party Objection Received**

In terms of the other main concern in respect of the impact of the development, a significant concern is the potential for the development to impact on tourism. Many of the concerns expressed relate to the impact for the development as a whole rather than the impact of the stack itself. Committee is again reminded that the site as a whole is fully consented (in Planning terms) and is not under consideration.

None of the submissions, while being passionately argued, contain any evidence on which to base a decision. It would be critical in making a decision (especially in an appeal situation) that it is based on factual evidence that it will be a deterrent rather than a suggestion that it could be. In reaching a decision, Committee will be mindful that it has recently approved the Zip World Coaster Kart application (December 2020) and that construction of the zip wire ride is well under construction (nearing completion). Both the approval of the Coaster Kart application and the start of construction on the zip wire were done within the life of the Enviroparks application for the stack and knowledge of the wider development in excess of 10 years.

The Zip World attraction is between 4 km to 2.5 km distant from the Enviroparks site. At that range the proposed stack, which has a width of under four metres, would appear as a thin structure, visible behind existing and consented buildings and structures on Hirwaun Industrial Estate and two rows of electricity pylons. No objection has been received from Zip World (who are aware of the extant consent / current proposal). While Zip World have their own agenda, which is not related in any way to the Enviroparks development, it would, perhaps, suggest an alternative view to the one being advanced by objectors (that it has not deterred a tourism related / reliant business). As an example, it is not conclusive but it is something, that given the lack of evidence given in the

objections, would undoubtedly be put forward by the applicant at any appeal situation, and the lack of evidence would put the Council in a difficult position to defend such an assertion.

In respect of other issues raised, the proposed development would generate an insignificant number of construction traffic movements and no operational traffic additional to that associated with the main development that already has planning permission. Issues of traffic / highway capacity and highway safety have previously been considered. Any concerns must be related to the construction of the stack itself. Other than some additional movements associated with bringing in component parts for the increased height, all construction will take place within the application site and will not impact on the local highway network.

A number of objections relate to property prices being affected if this development goes ahead (although no evidence has been provided). Committee is reminded that this is not a material planning consideration and cannot be taken into account.

There are clearly (understandable) concerns that the development (both as a whole and as the proposal under consideration) would be detrimental to human health. Committee is advised that no evidence has been provided by objectors. However, the Courts have held that the perception of fear *is* a material Planning consideration that must be taken into account. In response to this, Committee's attention is drawn to comments made by NRW (earlier in this report) which clearly state that "emissions" will be the subject of a separate consenting regime (EPR) where full regard will be had to any emissions and the impact that they could have. In light of this regime it is considered that any fears would be addressed and, only if the development complies with National standards, could the development proceed. In light of this, it is considered that an appropriate mechanism exists such that any concerns have been addressed (in so far as the Planning process requires). It is also relevant to highlight that the purpose of the application for a taller stack is to achieve better emissions dispersion.

Some concerns have been expressed about the Enviroparks development being a deterrent to future investment on the Estate. There is no evidence to suggest that either the construction of the Enviroparks development (or specifically the increase in height of the stack) will deter future / continued investment in the Estate (or the Tower Plateau as part of the NSA8 allocation) but Members are reminded that, part of the overall vision for the Enviroparks development was its ability to attract a "high-energy" user to a plot of land to the rear (within BBNP) of the site that would benefit from cheaper electricity / heat that the Enviroparks development would provide (resulting in approximately 200-250 jobs as a whole). Members may also wish to note that, as part of a Regeneration scheme for the Estate, there was almost 100% occupancy (pre-Covid) of the units on the Estate, which given the date of the original consent and the partial construction of the development, would suggest that it is unlikely be a consequence of this development.

A specific query has also been raised at to the Council's refusal of a 67m high single wind turbine at Cefn Farm in Rhigos due to its impact on the landscape and the BBNP and questions whether, in light of this decision, the Council can

approve a request for a single 90m high stack. Members may wish to note that a key consideration in the determination of that application was the independent review of the proposed development by White Consultants and the consultation response from NRW. It was considered that the isolated turbine would occupy the space between two larger groups of existing turbines thereby extending the spread and influence of wind turbine development within the landscape and therefore magnifying its impact on the BBNP. Given the comments of both White Consultants and NRW as part of this application, it is considered that the approach to considering developments in this location has been entirely consistent.

There is reference to the development affecting the “dark skies” and the potential for it to affect the “planetarium” proposal. Committee is advised that discussions were held several years ago with Dark Skies Wales for a development that would include a “planetarium” however it is understood that the developer has undertaken a feasibility study but no application (or meaningful pre-application discussions) has been forthcoming. The site in question was around the land that formed part of Tower Colliery’s environmental mitigation (so is unlikely to be available for development), would be close to an existing Industrial Estate, 86 acres of land identified in the LDP as part of development plateau, an enhanced roundabout as part of the dualling of the A465 and the potential to extend the passenger rail line from Aberdare to Hirwaun. While it may be an exciting prospect, it is not considered to be a material consideration of any weight in the assessment of this application, which, at worst, would only provide some infra-red lights should it be required in the interest of aviation safety.

A number of objections also refer to the proposal not being in compliance (or within the spirit of) the Wellbeing of Future Generations Act (and Human Rights Act). No specific examples of how the proposal is out of accord has been submitted but it is presumed that such concerns relate to the wider development (of an Energy from Waste facility) which is not under consideration. As a decision maker, it is considered entirely reasonable to conclude that the application made under EPR will properly assess any impact from emissions that could be construed to be out of accord with the Acts and the comments from NRW, the BBNPA and White Consultants all suggest that the visual impact (in its various forms) are acceptable – although Committee is perfectly at liberty to arrive at a different conclusion. However, in light of this, it is considered that, as an LPA (and therefore the decision maker) proper regard has been had to the requirements under these Acts in making a

## **RECOMMENDATION.**

### **Other issues**

Committee will note from the **PUBLICITY** section of this report that responses have been sought and received from both the Civil Aviation Authority (CAA) and National Air Traffic services (NATS) in respect of any potential for the height of the stack to impact on the aviation industry. Both bodies replied offering no objection. The applicant has advised that infra-red lights (not visible to the human eye) will be incorporated into the stack if required.

### **Overall Conclusions**

Clearly, this application has caught the attention of the local population and has resulted in a significant number of objections. Unfortunately, many of these objections relate to broader issues that have been considered previously by Committee. These concerns are understandable and clearly heart-felt. However, Committee is advised that any concerns that refer or relate to any issue other than the increase in height of the stack and its minor relocation within the Enviroparks site should not be afforded weight in the consideration of this application.

Many of the concerns relate to emissions and their propensity to impact on everyone and especially the most vulnerable (children / elderly / those with respiratory problems / etc). Emissions from the stack is clearly a material planning consideration. However, it is not for the Committee (the LPA) to determine matters that are properly the remit of another public body. The Environmental Permitting Regulations (EPR) exist to ensure that any emissions are taken into account before a development can proceed. The EPR will take into account both human health and the ecologically important designations at nearby sites. Neither takes priority over the other. Emissions will need to satisfy both. NRW have advised that the modelling submitted by the applicant is acceptable to satisfy their requirement in so far as the Planning application relates, but detailed consideration will be given as part of the EPR process. In light of the information received from NRW, this aspect of the Planning application is considered acceptable.

The other principal consideration is one of “visual amenity”. This is a broad-brush term for assessing the impact that the erection of a 90 metre high stack will have on the immediate area, the wider area (including any cross-Authority borders) and in particular any detrimental impact (the degree of) that the erection of this structure will have on the setting and “special qualities” of the BBNP above and beyond that which the 45 metre high approved scheme would have. It is clear that the stack would have a detrimental impact and that such an impact is significant in landscape and visual terms. Landscape and visual assessment is complicated and is not an exact science and does involve an element of valued judgement (what one person considers totally unacceptable may be something which another person finds marginally unacceptable and a third person finds acceptable) and Committee may take a different view (sic) to that of NRW, BBNPA and White Consultants. None of these three claim that the erection of the stack makes a positive contribution to the landscape but, equally, none of them offer an objection and suggest that with the application of an appropriate condition in respect of the colours and hues uses in the grading of the stack that the impact can be minimised (so far as is possible). In light of the comments received from NRW and BBNP as statutory consultees and White Consultants independently assessing the scheme, it is difficult to conclude anything other than that the scheme is acceptable.

In respect of the issues that are under consideration as part of this application it is considered that it is in compliance with policies within the LDP as well as the broad categories (that are applicable) in Future Wales 2040.

The objectors have argued passionately about the proposal however the weight of objection must be considered against the evidence submitted and the consultation responses received. However passionate the arguments made, a

decision must be reached having regard to all valid material planning considerations.

In the light of the comments received, it is considered that nothing is of such significant weight as to outweigh the principal considerations identified earlier in this report and, accordingly, the following recommendation is made:

**RECOMMENDATION:** Approve subject to a S106 Agreement.

### **Conditions & S106 Agreement**

Committee is advised that, while this is a “stand-alone” application it will not be constructed in isolation (there is no point or intention) but it is inextricably linked to the development(s) already approved (and the requirements laid down therein).

Committee is advised that there is already a S106 Agreement in place for this development. The Heads of Terms are set out below. Some of these requirements have already been met.

### **HEADS OF TERMS:**

- The applicant/developer has agreed with Dwr Cymru / Welsh Water to implement a regime of monitoring on the Penderyn Reservoir, with a series of protective trigger points to safeguard water quality (Members are advised that there is an agreed document providing specific Heads of Terms that have been agreed with Dwr Cymru/Welsh Water).
- The applicant/developer will prevent any (heavy goods) vehicular traffic associated with the proposal from using Halt Road or the Rhigos Road (leading to Glynneath). All such vehicular traffic will use the main Industrial Estate entrance/exit leading onto the A465 roundabout.
- The applicant/developer will make financial contributions (£205,031) towards the management and enhancement of the local habitat.
- The applicant/developer will provide a financial contribution to bus stop provision (£16,000) in the area to promote the use of public transport in conjunction with a Green Travel Plan.
- The applicant/developer will provide and implement a Green Travel Plan for employees (which included a provision for a financial contribution (£90,000) should the mechanisms to be agreed fail to achieve their objectives).
- The applicant/developer has defined a “waste catchment” which is to be based on a percentage of waste, which must originate from the South East and South West Wales Regional Waste Plan areas, south of the Brecon Beacons National Park.
- The applicant/developer will provide a financial contribution (£10,000) towards enhancements to local footpath (P.R.O.W) 15, providing better pedestrian access from Penderyn Village.



- The applicant/developer will provide a heat exchanger on the site boundary within 3 years of the first waste delivery to the site in the event that a “high energy user” is not found (this will facilitate the transfer of the supply of heat/energy to other customers on the Industrial Estate).
- The applicant/developer will make a financial contribution of 25 pence per tonne of waste (as measured at the weighbridge) towards the Heads of the Valley’s initiatives (E.A.R.T.H. programme) for enhancing the energy performance of local housing, (to a total contribution of £600,000).

Should Committee be minded to approve the application, it will be necessary to link the development under consideration to the previous consents to ensure compliance. A Section 106 Agreement will be required to apply the planning conditions and the planning obligations imposed on application no. 15/1351 to the development.

One additional condition is considered necessary which relates to the colour grading of the stack and is included below for Committee’s consideration:

**RECOMMENDATION: Grant**

1. Notwithstanding the details submitted, the construction of the stack shall not be commenced until such time as a scheme for the graded colour of the exterior finish shall be submitted to, and approved in writing by, the Local Planning Authority. The colour scheme proposed shall include specific reference to colours as set out in a RAL Colour Chart and how the choice of colours has been reached having specific regard to the landscape context. The development shall be carried out in accordance with the approved scheme and the finishes used be maintained for the life of the stack.

Reason: To minimise the visual impact of the stack on the landscape (including the Brecon Beacons National Park) in compliance with Policies AW5, AW6 & AW8 of the Rhondda Cynon Taf Local Development Plan

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## **PLANNING & DEVELOPMENT COMMITTEE**

**25 MARCH 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 01/03/2021 – 12/03//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**

**25 MARCH 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**REPORT**

**INFORMATION FOR MEMBERS,  
PERTAINING TO ACTION TAKEN  
UNDER DELEGATED POWERS**

**OFFICER TO CONTACT**

**Mr. J. Bailey  
(Tel: 01443 281132)**

**See Relevant Application File**

### APPEALS RECEIVED

**APPLICATION NO:** 20/0518  
**APPEAL REF:** A/20/3266126  
**APPLICANT:** Mrs M Bailey  
**DEVELOPMENT:** Replace an unsafe wall with a new gabion basket wall, infilling of land (retrospective).  
**LOCATION:** LAND AT AEL-Y-BRYN, TREHAFOD, PONTYPRIDD, CF37 2PB  
**APPEAL RECEIVED:** 29/12/2020  
**APPEAL START DATE:** 11/03/2021

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### APPEAL DECISIONS RECEIVED

**APPLICATION NO:** 20/0091  
**APPEAL REF:** A/20/3263318  
**APPLICANT:** Mr M Agostini  
**DEVELOPMENT:** Construction of 3 no. Garages. (Amended Plans received 28/05/20).  
**LOCATION:** LAND ADJACENT TO JAMES STREET, CWMDARE, ABERDARE  
**DECIDED:** 13/08/2020  
**DECISION:** Refused  
**APPEAL RECEIVED:** 17/11/2020  
**APPEAL DECIDED:** 10/03/2021  
**APPEAL DECISION:** Dismissed

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**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  
**DECIDED:** 05/11/2020  
**DECISION:** Refused  
**APPEAL RECEIVED:** 01/12/2020  
**APPEAL DECIDED:** 02/03/2021  
**APPEAL DECISION:** Dismissed

**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).  
**LOCATION:** 9 ST JOHN'S STREET, GLYNFACH, PORTH, CF39 9LA  
**DECIDED:** 01/12/2020  
**DECISION:** Refused  
**APPEAL RECEIVED:** 01/12/2020  
**APPEAL DECIDED:** 02/03/2021  
**APPEAL DECISION:** Allowed with Conditions

**Report for Development Control Planning Committee**

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**Aberdare West/Llwydcoed**

**21/0062/10** Decision Date: 03/03/2021  
**Proposal:** Proposed side/rear first floor extension, new bay window to front elevation and internal alterations.  
**Location:** 18 CYPRESS COURT, CWMDARE, ABERDARE, CF44 8YB

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**Aberdare East**

**20/1019/01** Decision Date: 12/03/2021  
**Proposal:** Replacement fascia sign and logo at front of property to replace existing signage.  
**Location:** ABERDARE RUGBY CLUB, 49-50 GLOUCESTER STREET, ABERDARE, CF44 7BP

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**Penrhiwceiber**

**21/0103/10** Decision Date: 12/03/2021  
**Proposal:** Proposed residential annexe.  
**Location:** 1 PERTHGELYN COTTAGES, ROAD TO PENTWYN UCHAF FARM, PERTHCELYN, MOUNTAIN ASH, CF45 3YJ

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**21/0118/10** Decision Date: 09/03/2021  
**Proposal:** Refurbishment, alteration and extension to bungalow.  
**Location:** 9 TANYBRYN, PENRHIWCEIBER, MOUNTAIN ASH, CF45 3UJ

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**Abercynon**

**20/1412/10** Decision Date: 11/03/2021  
**Proposal:** Siting of shipping container to be used for the production of takeaway pizzas.  
**Location:** THE CLUB HOUSE, ABERCYNON RUGBY CLUB, ABERCYNON RECREATION GROUND, PARK ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4RU

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**Report for Development Control Planning Committee**

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**Treherbert**

**21/0037/10** Decision Date: 04/03/2021  
**Proposal:** Single storey extension.  
**Location:** 109 BROOK STREET, BLAENRHONDDA, TREORCHY, CF42 5SF

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**21/0133/10** Decision Date: 10/03/2021  
**Proposal:** Conversion of a redundant shop to living accommodation (Re-submission of 19/0560/10).  
**Location:** 140 BUTE STREET, TREHERBERT, TREORCHY, CF42 5PD

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**Treorchy**

**20/1101/10** Decision Date: 11/03/2021  
**Proposal:** Erect first floor side extension and rear balcony.  
**Location:** 19 TAN-Y-FRON, TREORCHY, CF42 6HA

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**20/1430/10** Decision Date: 08/03/2021  
**Proposal:** First floor rear extension and detached garage.  
**Location:** 10 CROSSWOOD STREET, TREORCHY, CF42 6RH

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**21/0041/10** Decision Date: 11/03/2021  
**Proposal:** Proposed private domestic garage.  
**Location:** LAND ADJACENT TO OAK TREE HALL, CEMETERY ROAD, TREORCHY

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**Pentre**

**21/0122/10** Decision Date: 10/03/2021  
**Proposal:** Single storey infill extension to rear.  
**Location:** 33 KENNARD STREET, TONPENTRE, PENTRE, CF41 7AY

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**Ystrad**

**21/0016/10** Decision Date: 04/03/2021  
**Proposal:** Installation of a prefabricated flue.  
**Location:** HOT SPOT SUN BEDS, 86-87 WILLIAM STREET, YSTRAD, PENTRE, CF41 7QY

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**Llwynypia**

**20/1064/10** Decision Date: 11/03/2021  
**Proposal:** Erection of new re-placement dwelling.  
**Location:** 100 PARTRIDGE ROAD, LLWYN-Y-PIA, TONYPANDY, CF40 2LS

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**Report for Development Control Planning Committee**

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**Cwm Clydach**

**20/1457/10** Decision Date: 05/03/2021

**Proposal:** Six lock up garages.

**Location:** LAND TO THE REAR OF 106 PARK STREET, CLYDACH, TONYPANDY

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**Tonypandy**

**21/0067/10** Decision Date: 11/03/2021

**Proposal:** Change of use from amusement arcade/tanning studio (Sui Generis) to hot food takeaway (A3).

**Location:** STARDUST, 36 DUNRAVEN STREET, TONYPANDY, CF40 1AL

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**21/0068/01** Decision Date: 11/03/2021

**Proposal:** Advertisement consent for new fascia sign and projecting sign.

**Location:** STARDUST, 36 DUNRAVEN STREET, TONYPANDY, CF40 1AL

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**Porth**

**20/1251/12** Decision Date: 11/03/2021

**Proposal:** Decoration of side rendered wall.

**Location:** YR HEN LYFRGELL PORTH CYF, 47 PONTYPRIDD ROAD, PORTH, CF39 9PG

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**Cymmer**

**20/1110/10** Decision Date: 08/03/2021

**Proposal:** Construction & completion of the two storey extension as being built (part retrospective)

**Location:** 8 RICKARDS STREET, GLYNFACH, PORTH, CF39 9LL

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**Ynysir**

**20/1271/10** Decision Date: 03/03/2021

**Proposal:** Construction of 2 no. garages and associated fencing/gates.

**Location:** LAND REAR OF 29 SOUTH STREET, YNYSHIR, PORTH

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**Report for Development Control Planning Committee**

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**Tylorstown**

**21/0117/10** Decision Date: 12/03/2021

**Proposal:** Two storey extension.

**Location:** 69 EDMONDES STREET, TYLORSTOWN, FERNDALE, CF43 3HW

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**21/0142/10** Decision Date: 11/03/2021

**Proposal:** Two storey extension.

**Location:** 25 PENRHYS AVENUE, TYLORSTOWN, FERNDALE, CF43 3AY

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**Town (Pontypridd)**

**20/1454/01** Decision Date: 11/03/2021

**Proposal:** Installation of 3 no. fascia signs and 1 no. menu board inside shop front.

**Location:** UNIT 2, 3 LLYS CADWYN, PONTYPRIDD, CF37 4TH

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**21/0035/10** Decision Date: 09/03/2021

**Proposal:** Installation of flood barriers (demountable) to the building shop front.

**Location:** 79 TAFF STREET, PONTYPRIDD, CF37 4SU

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**21/0144/15** Decision Date: 11/03/2021

**Proposal:** Application for modification of Section 106 agreement to accommodate boundary change (previous planning application 56/94/0185).

**Location:** 37 & 39 GRAIGWEN ROAD, GRAIG-WEN, PONTYPRIDD, CF37 2HD

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**Trallwn**

**20/1414/10** Decision Date: 10/03/2021

**Proposal:** Two storey extension and single storey mono-pitch extension to side of property.

**Location:** COEDPENMAEN HOUSE, 3 RALPH STREET, TRALLWN, PONTYPRIDD, CF37 4RS

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**Rhondda**

**21/0027/15** Decision Date: 04/03/2021

**Proposal:** Removal of Condition 1 (Agricultural Occupancy) of Planning Permission 56/80/0708.

**Location:** LLANDRAW FARM, LLANDRAW WOODS, MAES-Y-COED, PONTYPRIDD, CF37 1EX

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**Graig**

**21/0120/10** Decision Date: 11/03/2021

**Proposal:** Dormer bungalow (resubmission of 20/0894/10).

**Location:** PANORAMA D, PENYCOEDCAE ROAD, PENYCOEDCAE, PONTYPRIDD, CF37 1PU

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**Report for Development Control Planning Committee**

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**Rhydyfelin Central**

**20/1385/10** Decision Date: 09/03/2021  
**Proposal:** Detached outbuilding to create gym and leisure space.  
**Location:** 99 OAK STREET, RHYDYFELIN, PONTYPRIDD, CF37 5SD

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**Ffynon Taf**

**20/1216/10** Decision Date: 09/03/2021  
**Proposal:** Installation of a 6000 L methanol storage tank and construction of an associated all-weather enclosed building to protect the tank from inclement weather and direct sunlight.  
**Location:** UNIT 1 BIOCATALYSTS, CEFN COED, NANTGARW, TAFFS WELL, CARDIFF, CF15 7QQ

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**Llantwit Fardre**

**21/0015/10** Decision Date: 04/03/2021  
**Proposal:** Proposed single storey extension incorporating a double garage, utility, wc and entrance hall.  
**Location:** TY MAWR BARN, HEOL FFRWD PHILIP, EFAIL ISAF, PONTYPRIDD, CF38 1AT

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**21/0186/10** Decision Date: 11/03/2021  
**Proposal:** Conversion of garage to habitable room.  
**Location:** 24 HEOL ISAF, LLANTWIT FARDRE, PONTYPRIDD, CF38 2TJ

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**Church Village**

**21/0130/10** Decision Date: 03/03/2021  
**Proposal:** Two storey extension to side and rear with loft conversion.  
**Location:** 15 CAE CADNO, CHURCH VILLAGE, PONTYPRIDD, CF38 1UL

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**Tonteg**

**20/1203/10** Decision Date: 11/03/2021  
**Proposal:** Single storey side extension.  
**Location:** 32 OAKFIELD CRESCENT, TONTEG, PONTYPRIDD, CF38 1NG

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**Tonyrefail West**

**21/0171/10** Decision Date: 12/03/2021  
**Proposal:** Construction of single storey rear extension.  
**Location:** 11 WORCESTER COURT, TONYREFAIL, PORTH, CF39 8JR

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**Report for Development Control Planning Committee**

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**Beddau**

**20/1317/10** Decision Date: 11/03/2021  
**Proposal:** Ground floor rear extension (retrospective)  
**Location:** 73 CLOS MYDDLIN, BEDDAU, PONTYPRIDD, CF38 2JT

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**Ty'n y Nant**

**21/0022/10** Decision Date: 03/03/2021  
**Proposal:** Proposed single storey rear extension with flat roof.  
**Location:** 21 CAVENDISH PLACE, BEDDAU, PONTYPRIDD, CF38 2RP

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**Town (Llantrisant)**

**20/1443/10** Decision Date: 05/03/2021  
**Proposal:** Garden office.  
**Location:** RHIWBRIDWEL HOUSE, CROSS INN, PONTYCLUN, CF72 8LU

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**21/0014/10** Decision Date: 03/03/2021  
**Proposal:** Two-storey and single storey rear extension.  
**Location:** 11 HEOL PEN-Y-PARC, LLANTRISANT, PONTYCLUN, CF72 8DN

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**21/0131/10** Decision Date: 03/03/2021  
**Proposal:** Single storey rear extension.  
**Location:** 18 LOWERDALE DRIVE, LLANTRISANT, PONTYCLUN, CF72 8DY

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**Talbot Green**

**20/1450/10** Decision Date: 04/03/2021  
**Proposal:** Proposed 2 storey extension to rear of property to provide bedroom and bathroom including hip to gable roof conversion.  
**Location:** 16 LANELAY CLOSE, TALBOT GREEN, PONTYCLUN, CF72 8JA

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**21/0134/10** Decision Date: 11/03/2021  
**Proposal:** 2 storey side/rear extension with single storey lean-to to rear.  
**Location:** 26 HEOL MILES, TALBOT GREEN, PONTYCLUN, CF72 8HU

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**Report for Development Control Planning Committee**

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**Llanharry**

**21/0034/23**

Decision Date: 09/03/2021

**Proposal:** Demolition of former residential care home 2 storey building and proposed erection of 1 no. assisted living unit and associated works. (See Demolition Method Statement).

**Location:** PANTGWYN, 9 ELM ROAD, LLANHARRY, PONTYCLUN, CF72 9HR

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**21/0128/10**

Decision Date: 10/03/2021

**Proposal:** First floor extension (re-submission of 20/1396/10).

**Location:** 4 CLOS PINWYDDEN, LLANHARRY, PONTYCLUN, CF72 9GG

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Total Number of Delegated decisions is 43

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Report for Development Control Planning Committee

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**Aberaman North**

21/0072/10

Decision Date: 04/03/2021

**Proposal:** Detached domestic garage with hobbies room at first floor.

**Location:** 317 CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 6UU

**Reason: 1** The proposed garage and hobby room would, as a result of its size, length, height and scale sited in close proximity to the boundary with 318 Cardiff Road, have an overbearing and unneighbourly impact contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and also the Councils Supplementary Planning Guidance 'A Design Guide for Householder Development (2011)'.

**Reason: 2** The proposed garage and hobby room would, as a result of its design, appearance, height, size and scale have an alien and incongruous appearance that would have a detrimental effect on the character and appearance of the host dwelling and would be out of keeping with the character of the local area, being detrimental to the visual amenity of its surroundings. The proposed development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and also the Council's Supplementary Planning Guidance 'A Design Guide for Householder Development (2011)'.

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**Ynyshir**

20/1458/10

Decision Date: 04/03/2021

**Proposal:** Eight lock up garages.

**Location:** LAND OPPOSITE 23 - 27 STANDARD VIEW, YNYSHIR, PORTH

**Reason: 1** The proposed development would have a harmful impact on highway safety, contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan, for the following reasons:

Garages 1-3 would encroach onto the public highway, increasing potential hazards and increased maintenance liability to the Council to the detriment of safety of all highway users.

The application is lacking in information with regards to the construction of the proposed garage block and the proposed set back from the public highway. It also lacks information with regards to the tie in detail with the public highway, surfacing material of the proposed entrance apron, and detail of the guardrail to be removed and reinstated for a full highway safety assessment to be undertaken.

**Reason: 2** Insufficient information has been provided to assess the potential impact upon ecology on and around the site and therefore the application does not comply with Policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

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Report for Development Control Planning Committee

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Trallwn

21/0098/10 Decision Date: 11/03/2021

**Proposal:** Proposed rear dormers, loft conversion, balcony & new windows.

**Location:** 20 SION STREET, PONTYPRIDD, CF37 4SD

**Reason: 1** The proposed rear dormers and elevated roof terrace would represent an incongruous feature, poorly related to the existing property and surrounding street scene and detrimental to the character and appearance of the Pontypridd (Taff) Conservation Area.

The application is therefore contrary to Policies AW5, AW6, and AW7 of the Rhondda Cynon Taf Local Development Plan.

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Ffynon Taf

20/0066/10 Decision Date: 04/03/2021

**Proposal:** Reduce level of car park and build extension to restaurant at first floor level with parking below and provide access stairs and lift.

**Location:** BOMBAY BLUE, CARDIFF ROAD, TAFFS WELL, CARDIFF, CF15 7SS

**Reason: 1** The proposed development would reduce existing off street parking capacity whilst increasing its requirement, resulting in additional on street parking demand, to the detriment of highway safety and the free flow of traffic and contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

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Report for Development Control Planning Committee

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**Tonyrefail West**

**21/0156/10** Decision Date: 12/03/2021

**Proposal:** Change of use to local convenience shop, demolition of single storey rear extension to create parking area, and external alterations.

**Location:** PENRHIWFER COMMUNITY CENTRE, ASHDALE ROAD, PENRHIW-FER, TONYPANDY, CF40 1RT

**Reason: 1** The change of use is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan for the following reasons:

In the absence of adequate off-street car parking facilities, the proposed development will lead to indiscriminate on-street parking by all types of vehicles in the vicinity of the site and surrounding highway network to the detriment of safety of all highway users and free flow of traffic.

The access lanes proposed for off-street car parking are sub-standard in width for safe two-way vehicular movement and sub-standard in width as a shared use with pedestrians to accommodate the additional traffic generated by the proposed use increasing risk of harm to all highway users.

**Reason: 2** The change of use is incompatible with the nearby residential properties due to its likely adverse impact upon the general residential amenity of the occupiers of neighbouring residential accommodation arising from noise generation and disturbance. As such the proposal conflicts with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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**Talbot Green**

**20/1448/10** Decision Date: 01/03/2021

**Proposal:** Proposed single storey front extension and off road parking Including new vehicle access.

**Location:** 3 BRONHAUL, TALBOT GREEN, PONTYCLUN, CF72 8HW

**Reason: 1** The development, by virtue of its scale, design and siting, represents an incongruous development that would be out-of-keeping with the character of the local area and detrimental to the visual amenity of the street scene. The proposal would therefore be contrary to Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan and Supplementary Planning Guidance 'Design Guide for Householder Development (2011)'.

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Report for Development Control Planning Committee

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Llanharry

21/0024/10

Decision Date: 01/03/2021

**Proposal:** New 3 bed dwelling.

**Location:** 51 GELLI ROAD, LLANHARRY, PONTYCLUN, CF72 9JA

- Reason: 1** The means of access serving the development is sub-standard and its use to serve residential development would result in the creation of hazards to the detriment of highway safety and the free flow of traffic. As such the development would be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan
- Reason: 2** The proposal would result in a cramped form of development and a siting at odds with its surroundings. As such, it is considered that the proposal would have a detrimental impact on the character and appearance of the surrounding area and would be contrary to Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan
- Reason: 3** Due to the siting, in close proximity to the garden of 51 Gelli Road and the height of the proposed dwelling there would be an overbearing impact. There would also be a loss of privacy from two windows on the side elevation facing the garden of that property. As such, it is considered that the proposal would have a detrimental impact on the amenity of nearby existing residents and would be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.
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Total Number of Delegated decisions is 7