



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Meeting Contact: Jess Daniel - Democratic Services (07385401877)

A hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 22ND JUNE, 2023** at **3.00 PM**.

It is the intention to live stream this meeting, details of which can be accessed [here](#).

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC MAY REQUEST THE FACILITY TO ADDRESS THE COMMITTEE AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO **PLANNINGSERVICES@RCTCBC.GOV.UK** BY 5PM ON TUESDAY, 20 JUNE 2023, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

THE ORDER OF THE AGENDA MAY BE SUBJECT TO AMENDMENT TO BEST FACILITATE THE BUSINESS OF THE COMMITTEE

**AGENDA**

**1. DECLARATION OF INTEREST**

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

**Note:**

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they **must** notify the Chairman when they leave.

## **2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

To note, that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

## **3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

To note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **4. MINUTES 08.06.23**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 8<sup>th</sup> June 2023.

**7 - 14**

## **APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT**

### **5. APPLICATION NO: 22/0311**

New build 1 no. bedroom dwelling (Amended plans and revised description received 27/01/2023).

**THE HILL COTTAGE, EAST ROAD, TYLORSTOWN, FERNDAL, CF43 3HG**

**15 - 24**

### **6. APPLICATION NO: 22/0788**

Variation to condition 2, house type and general amendments 18/0736/10 **FORMER HILLSIDE COUNTRY CLUB, COLLENA FARM, TONYREFAIL, CF39 8AX.**

**25 - 40**

### **7. APPLICATION NO: 22/1004**

Reserved matters application for 100% affordable housing scheme and associated details in respect of conditions 1, 5, 7, 9 and 10 pursuant to outline permission ref. 21/0448/15. (Revised Site Location Plan, Site Layout Plan and Transport Technical Note (regarding Waunrhydd Road junction) received 27th January 2023; Construction Traffic Management

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

Plan received 12th April 2023)

**RHONDDA BOWL SKITTLE ALLEY, WAUNRHYDD ROAD,  
TONYREFAIL, PORTH, CF39 8EW.**

41 - 58

**8. APPLICATION NO: 22/1129**

To construct and operate a wind farm consisting of up to 7 wind turbines and associated infrastructure (Development of National Significance)  
**LAND TO THE EAST OF TREBANOG, RHONDDA CYNON TAF**

59 - 102

**9. APPLICATION NO: 22/1443**

Roller shutter doors

**LAND TO THE REAR OF 257, TREBANOG ROAD, TREBANOG,  
PORTH.**

103 - 108

**10. APPLICATION NO: 23/0039**

Construction of garage/store/workshop (Amended Redline Boundary and Plans received 17/03/23)  
**REAR OF 2, CRICHTON STREET, TREHERBERT**

109 - 116

**11. APPLICATION NO: 23/0149**

Alteration and Works for reinstatement of Grade II Listed Bridge  
**ROBERTSTOWN IRON BRIDGE, CYCLEWAY FROM TRAM ROAD  
TO ABERDARE FOOTPATH ABD(33(1, TRECYNON,ABERDARE.**

117 - 128

**12. APPLICATION NO: 23/0290**

The demolition of the existing warehouse, construction of a block of 14 affordable apartments, parking and amenity areas. (Revision and resubmission of previous application 22/0510/10)  
**W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESALE,  
PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY.**

129 - 156

**13. APPLICATION NO: 23/0312**

Proposed garage

**LAND ADJACENT TO TYDFIL HOUSE, HIGH STREET, CYMER,  
PORTH, CF39 9ET**

157 - 164

**14. APPLICATION NO: 23/0408**

Proposed two storey side extension and a single storey rear extension together with internal alterations

**6 MAES IFOR, TAFF'S WELL, CARDIFF, CF15 7AS**

165 - 174

**15. APPLICATION NO: 23/0202/10**

Change of use from clinic to 5no. residential flats  
**YSTRAD CLINIC, 14 TRAFALGAR TERRACE, YSTRAD, PENTRE,  
CF41 7RG**

**175 - 184**

**APPLICATIONS RECOMMENDED FOR REFUSAL BY THE DIRECTOR OF  
PROSPERITY & DEVELOPMENT**

**16. APPLICATION NO: 20/0988**

Change of use to B8 for use as a storage facility (storage containers  
and caravans). (Preliminary Ecological Appraisal rec. 13/05/2021)  
**FORMER PUROLITE SITE, COWBRIDGE ROAD, PONTYCLUNN.**

**185 - 198**

**INFORMATION REPORT**

**17. INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN  
UNDER DELEGATED POWERS**

To inform Members of the following, for the period 29/05/2023 –  
09/06/2023

Planning and Enforcement Appeals Decisions Received  
Delegated Decisions Approvals and Refusals with reasons.  
Overview of Enforcement Cases.  
Enforcement Delegated Decisions.

**199 - 210**

**18. URGENT BUSINESS**

To consider any items which the Chairman by reason of special  
circumstances is of the opinion should be considered at the Meeting as  
a matter of urgency.

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

## **Service Director of Democratic Services & Communication**

### **Circulation: -**

#### **Members of the Planning & Development Committee**

The Chair and Vice-Chair of the Planning & Development Committee  
(County Borough Councillor S Rees and County Borough Councillor W Lewis respectively)

County Borough Councillors: Councillor J Bonetto, Councillor A Dennis,  
Councillor S Emanuel, Councillor D Grehan, Councillor G Hughes, Councillor M Powell,  
Councillor J Smith, Councillor L A Tomkinson and Councillor R Williams

Head of Planning  
Head of Legal Services  
Head of Major Development and Investment  
Senior Engineer

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**RHONDDA CYNON TAF COUNCIL  
Planning and Development Committee**

Minutes of the hybrid meeting of the Planning and Development Committee held on Thursday, 8 June 2023 at 3.00 pm at Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX.

This meeting was live streamed, details of which can be accessed [here](#).

**County Borough Councillors – The following Planning and Development Committee Members were present in the Council Chamber: -**

Councillor S Rees (Chair)

Councillor W Lewis    Councillor S Emanuel  
Councillor L A Tomkinson    Councillor G Hughes  
Councillor R Williams    Councillor J Smith

**The following Planning and Development Committee Members were present online: -**

Councillor A Dennis    Councillor J Bonetto  
Councillor D Grehan  
Councillor M Powell

**Officers in attendance: -**

Mr J Bailey, Head of Planning  
Mr S Humphreys, Head of Legal Services  
Mr C Jones, Head of Major Development and Investment  
Mr A Rees, Senior Engineer

## **1 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, the following declarations were made:

County Borough Councillor W Lewis declared a personal and prejudicial interest in Application 23/0044/10 Retrospective retention of steps and middle decking (Resubmission of 22/0783/10) 3 PLEASANT HEIGHTS, PORTH, CF39 0LZ.  
"I am a close friend of the speaker."

County Borough Councillor G Hughes also declared a personal interest in Application 23/0044 Retrospective retention of steps and middle decking (Resubmission of 22/0783/10) 3 PLEASANT HEIGHTS, PORTH, CF39 0LZ.  
"I know the public speaker personally and have had communications with them."

County Borough Councillor G Hughes declared a personal and prejudicial interest in Application : 23/0335 Proposed rear garage 237 BRITHWEUNYDD

ROAD, TREALAW, TONYPANDY, CF40 2PB and Application 23/0337 Proposed Rear Garage 236 BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2PB.

“Both applicants are family members.”

County Borough Councillor J Bonetto declared a personal interest in Application 23/0151 Change of use from dwelling (Use Class C3) to a childrens home (Use Class C2). WILLOWFORD HOUSE, MAIN ROAD, GWAELOD-YGARTH, TAFF'S WELL, CARDIFF, CF15 9HJ.

“I am a member of the Corporate Parenting Board.”

County Borough Councillor S Rees declared a personal interest in Application 23/0151 Change of use from dwelling (Use Class C3) to a childrens home (Use Class C2). WILLOWFORD HOUSE, MAIN ROAD, GWAELOD-YGARTH, TAFF'S WELL, CARDIFF, CF15 9HJ.

“I am a member of the Corporate Parenting Board.”

## **2 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

## **3 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

It was **RESOLVED** to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **4 MINUTES 06.04.23 and 20.04.23**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 6<sup>th</sup> April and 20<sup>th</sup> April 2023.

## **5 CHANGE TO THE AGENDA**

The Committee agreed that the agenda would be considered out of sequence and as detailed in the minutes set out hereunder.

## **6 APPLICATION NO: 22/1037**

**Proposed dwelling and associated access LAND ADJ TO MOUNT PLEASANT, TREHAFOD, PONTYPRIDD.**

In accordance with adopted procedures, the Committee received the following public speakers who were **each** afforded five minutes to address Members on the above-mentioned proposal:



- Robert Hathaway (Agent)
- John Phelps (Objector)

The Agent Robert Hathaway exercised the right to respond to the comments made by the objectors.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

## **7 APPLICATION NO: 22/1006**

**Redevelopment of the former Conservative Club site to provide 10 flats, car parking and associated works.**

**SITE OF FORMER CONSERVATIVE CLUB, BERW ROAD, TONYPANDY.**

In accordance with adopted procedures, the Committee received Liza Elston (Objector) who was afforded five minutes to address Members on the above-mentioned proposal.

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the completion of a section 106 agreement requiring that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

(Note: A motion was seconded to refuse the application, for reasons of highway safety and the removal of on street parking, but failed.)

## **8 APPLICATION NO: 22/0273**

**Change of use from public house to 4 dwellings (Transport Note received 4th July 2022, Foul Drainage Strategy received 2nd February 2023)**

**THE BARN PUBLIC HOUSE, HEOL MISKIN, MWYNDY, PONTY-CLUN, PONTYCLUN, CF72 8PJ.**

In accordance with adopted procedures, the Committee received Sarah Howells (On behalf of applicant) who was afforded five minutes to address Members on the above-mentioned proposal.

The Head of Major Development and Investment presented the application to Committee and following consideration Members were minded to approve the above-mentioned application contrary to the recommendation of the Director, Prosperity & Development as Members were of the view that the proposed use when considered against the fallback position outweighed the highways concerns.

Therefore, the matter would be deferred to the next appropriate meeting of the Planning & Development Committee for a report of the Director, Prosperity & Development, if necessary in consultation with the Director, Legal Services, highlighting the potential strengths and weaknesses of making a decision contrary to the recommendation of an officer or any proposed or possible planning reason for such a decision prior to determining a matter.

**9 APPLICATION NO: 23/0044**

**Retrospective retention of steps and middle decking (Resubmission of 22/0783/10) 3 PLEASANT HEIGHTS, PORTH, CF39 0LZ.**

(Note: Having earlier declared a personal and prejudicial interest in this application, County Borough Councillor W Lewis left the meeting for its deliberation).

In accordance with adopted procedures, the Committee received E Barnett (On behalf of the applicant) who was afforded five minutes to address Members on the above-mentioned proposal.

The Head of Planning read out correspondence on behalf of local Member County Borough Councillor S Hickman.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to refuse the application in accordance with the recommendation of the Director, Prosperity and Development.

(Note: At this point in the proceedings, County Borough Councillor W Lewis re-joined the meeting and the Committee took a 5-minute recess).

**10 APPLICATION NO: 22/0650**

**Details of Layout, scale and appearance of the buildings, access and landscaping 18/0923/13 (Revised Site Layout) LAND OFF B4275, ABERDARE.**

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**11 APPLICATION NO: 23/0151**

**Change of use from dwelling (Use Class C3) to a childrens home (Use Class C2). WILLOWFORD HOUSE, MAIN ROAD, GWAELOD-YGARTH, TAFF'S WELL, CARDIFF, CF15 9HJ.**

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the following amendments to conditions:

**Condition 4:** *Within 2 months of the date of this decision*, the operator shall submit a management plan for the premises to be agreed in writing by the Local Planning Authority. The premises shall operate in accordance with the agreed details for as long as the use is carried out at the property. Reason – In order protect the amenities of neighbouring properties in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

**Condition 5:** *Within 2 months of the date of this decision*, the means of access together with the parking facilities shall be laid out in accordance with the submitted site plan (ref. D3-PO1) and approved by the Local Planning Authority.

The parking spaces shall be surfaced in permanent materials and retained thereafter for the parking of vehicles. Reason: In the interests of highway safety and to ensure that vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**12 APPLICATION NO: 23/0250**

**Conservation and repair of the building, including refurbishment of the Auditorium, remodelling of the Entrance Foyer, Bar and Mezzanine, installation of new passenger lifts, WCs, Dressing Rooms, Changing Place, erection of a bin store and associated improvements to back of house areas MUNICIPAL BUILDING, GELLIWASTAD ROAD, PONTYPRIDD, CF37 2DP.**

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**13 APPLICATION NO: 23/0251**

**Conservation and repair of the building, including refurbishment of the Auditorium, remodelling of the Entrance Foyer, Bar and Mezzanine, installation of new passenger lifts, WCs, Dressing Rooms, Changing Place and associated improvements to back of house areas (Listed Building Consent) MUNICIPAL BUILDING, GELLIWASTAD ROAD, PONTYPRIDD, CF37 2DP.**

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to a favourable referral to Cadw.

**14 APPLICATION NO: 23/0335**

**Proposed rear garage 237 BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2PB.**

(Note: Having earlier declared a personal and prejudicial interest in this application, County Borough Councillor G Hughes left the meeting for its deliberation).

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**15 APPLICATION NO: 23/0337**

**Proposed Rear Garage 236 BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2PB.**

(Note: Having earlier declared a personal and prejudicial interest in this application, County Borough Councillor G Hughes left the meeting for its

deliberation).

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**16 APPLICATION NO: 23/0357**

**Vary condition 2 (approved plans - change house types and site layout); and condition 3 (site investigation / remediation strategy - remove precommencement element) of planning permission ref. 19/0387/10. FORMER CWMBACH PRIMARY SCHOOL, BRIDGE ROAD, CWMBACH, ABERDARE, CF44 0LS**

(Note: At this point in the proceedings, County Borough Councillor G Hughes returned to the meeting)

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the existing S106 being varied through a Deed of Variation to secure require each of the bungalows (100%) as social rented units.

**17 APPLICATION NO: 23/0216**

**Development of 6 terraced houses. (CIL form received 13th March 2023, corrected floor layout plan received 24th March 2023) LAND ADJACENT TO 138 DUFFRYN STREET, FERNDAL, CF43 4EH.**

Application No. 23/0216 was withdrawn by the applicant in advance of the Committee and therefore was not considered as part of the formal proceedings.

**18 APPLICATION NO: 23/0004**

**Change of use to Mixed use development consisting of a residential dwelling Class C3) and child minding facility (Class D1) 5 WOODLAND CRESCENT, ABERCYNON, MOUNTAIN ASH, CF45 4UT.**

Application No. 23/0004 was withdrawn by the applicant in advance of the Committee and therefore was not considered as part of the formal proceedings.

**19 INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 10/04/2023 – 26/05/2023.

**This meeting closed at 4.55 pm**

**Councillor S Rees  
Chair.**

## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0311/10 (JE)  
**APPLICANT:** Mr Jorge Solano  
**DEVELOPMENT:** New build 1 no. bedroom dwelling (Amended plans and revised description received 27/01/2023).  
**LOCATION:** THE HILL COTTAGE, EAST ROAD, TYLORSTOWN, FERNDALE, CF43 3HG  
**DATE REGISTERED:** 21/06/2022  
**ELECTORAL DIVISION:** Tylorstown

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#### RECOMMENDATION: APPROVE

**REASONS:** The principle of development is acceptable, and proposal would bring a vacant site back into beneficial use. Further, it is not considered the proposed use would have any undue impact upon the amenity, privacy or operation of the neighbouring 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

A request has been received from Councillor Robert Bevan so that Members can consider the sustainability of the development and its impact upon highway safety.

#### APPLICATION DETAILS

Full planning permission is sought for the construction of a 1 bedroom detached dwelling at The Hill Cottage, East Road, Tylorstown, Ferndale. The dwelling would be located at the site of a former community police station which has been demolished.

The dwelling would be located towards the front of the site and would measure a width 12.6 metres by a depth of 4.2 metres. The proposed dwelling would have a dual pitched roof design with gable ends on its side elevations measuring a maximum height of 5.3 metres sloping to 2.3 metres at the eaves. The dwelling would also incorporate a dormer within the rear roof plane that would measure a width of 11.8 metres and a height of 2.4 metres with a flat roof.

The dwelling would incorporate living accommodation over two floors with a kitchen diner, bathroom and open lounge on the ground floor and an open plan bedroom on the first floor. Off street parking would be provided to the side of the dwelling utilising an existing access from East Road.

The proposal would also see the construction of an outbuilding located alongside the northern side elevation of the dwelling. The building would measure a width of 3.1 metres by a depth of 2.2 metres and would incorporate a dual pitched roof design measuring a maximum height of 3.4 metres sloping to 2.3 metres at the eaves.

## **SITE APPRAISAL**

The application site relates to a vacant parcel of land which previously accommodated a single storey detached building used as a community police station. The site is located along the A4233 which is the main highway through the village and the Rhondda Fach Valley. The site is split into two areas with the western extent closest to the highway level in nature and the eastern area to the rear steeply sloping towards Edmonds Street beyond. A number of mature trees are located within the site. At the time of the Officer's site visit the former building on the site had been demolished to slab level.

The general character of the locality is residential in nature and characterised by traditional terraced dwellings. Although to the south of the site along East Road there are several commercial properties and to the east is Tylorstown Primary School.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the application site are:

**18/0718/10:** FORMER SOUTH WALES POLICE TYLORSTOWN STATION, 243 EAST ROAD, TYLORSTOWN, FERNDALE, CF43 3HG

Change of use of former Tylorstown Police Station to residential dwelling (Changes required to include ground floor extension together with pitch roof dormer extension to rear first floor).

Decision: 10/09/2018, Grant

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices being displayed at the site.

No letters of objection have been received following consultation.

## **CONSULTATION**

**Highways and Transportation:** No objection subject to condition.

**Public Health and Protection:** No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

**Waste Services:** Standard response noting that the bin collection point must be at the kerbside on East Road

**National Grid:** Standard consultation response setting out that a separate application to National Grid would be required should the developer require a new connection or a service alteration.

**Welsh Water/Dwr Cymru:** No objection although condition recommended in relation to surface water drainage.

**Flood Risk Management (Drainage):** No objection although condition recommended in relation to surface water drainage.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tylorstown and but is not allocated for any specific purpose.

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

**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 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 placemaking, including landscaping.

**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 NSA12** – sets out the criteria for the consideration of development proposals within and adjacent to settlement boundaries.

#### Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking

#### National Guidance

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

Planning Policy Wales (Edition 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 all 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.

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 national policy guidance considered:

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 construction of a detached dwelling at The Hill Cottage, East Road, Tylorstown. The application site is unallocated and is located within the defined settlement boundary and a residential area of Tylorstown. As such, the application complies with Policies CS1, AW1 and NSA12, all of which support the provision of new housing on unallocated sites within and adjacent to settlement boundaries within the Northern Strategy Area.

The site is also located within walking distance of a number of local services and facilities and benefits from direct access to public transport with a bus stop located to the front of the property. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

It is also noted that the site previously benefited from planning permission to convert the police station into a residential dwelling.

As such, taking the above into account, the principle of development is considered acceptable subject to the below criteria.

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

The proposed dwelling would feature a footprint similar to the structure which previously occupied the site. In addition, the previous building benefited from an approved consent to raise the flat roof and create a dual pitched roof design that would have resulted in a building of a similar appearance to the proposed dwelling. As such, it is not considered that the proposal would form a dominant or incongruous feature within the area with any impact similar to the previously approved scheme. In addition, the redevelopment of the site would result in a positive impact to the area surrounding the site and would bring a disused site of an unkempt appearance back into beneficial use.

Members are advised that the application currently lacks sufficient information in relation to landscaping and boundary treatments. Nevertheless, it is considered that these matters could be controlled via suitably worded conditions.

As such, it is considered that the proposal will not detract from the character or appearance of the area. The application therefore would be compliant with the relevant requirements of Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

When considering the relationship with closest neighbouring properties and the scale of the proposed dwelling, it is not considered that the proposal would result in any adverse impact upon the few neighbouring properties that may be affected through the construction of the new dwelling.

It is not considered that the proposed use of the site for a residential dwelling would result in any detrimental impact upon the existing residential amenity and privacy standards currently enjoyed by residents of the surrounding properties. It is considered the proposed use would actually have less of an impact upon surrounding residents compared to the previous use as police station where numerous comings and goings would have occurred throughout the day and night.

Further to the above no objections were received following consultation with neighbouring occupiers. As such, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **Highway Safety**

The Council's Highways and Transportation Section were consulted in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

The application site is served off East Road (A4233) which is a principal route carrying a substantial amount of vehicular and pedestrian movement. To the front of the proposed on the opposite carriageway and adjacent to the proposed are two existing bus stops. Due to the location of the bus stop the footway varies in width from 3.5m to 2m to accommodate the bus stops and shelters. There are also double yellow lines on both sides of the carriageway preventing on-street car parking maintaining free flow of traffic.

There is an existing car parking space which was previously used in connection with the police station. The existing vehicular crossover is sub-standard in construction and lacking demarcation kerbing from the private car parking area and public footway. Therefore, a standard condition requiring a vehicular crossover in accordance with the Council's standard specification has been suggested.

In accordance with the Council's SPG Access, Circulation & Parking the proposed 1-bedroom dwelling requires up-to a maximum of 2 off-street car parking spaces with only 1 provided. There is concern with this shortfall and that the use of the car parking

space will result in reversing movements to and from the A4233 in close proximity to the bus stops and with limited forward visibility for vehicles travelling from the north due to the existing road bend. However, taking into account the sustainable location of the site; the fact that the car parking space will have limited use, is existing and was used in connection with the previous use which would have generated a number of daily manoeuvres with no reported accidents within the vicinity of the site; and the fact that there are parking restrictions fronting and adjacent to the property to prevent indiscriminate on-street parking, on-balance, the proposed is acceptable in this respect.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division in respect of the application, 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, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient in this instance.

### **Drainage**

Following consultation, the Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard surface water drainage. Nevertheless, as this development would require separate SAB approval it is not considered that such a condition would be reasonable or necessary.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the 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**

The principle of development at the site is considered acceptable. Furthermore, the proposal is considered acceptable with regard its impact upon the character and appearance of the area, the residential amenities of surrounding neighbours and highway safety within the vicinity of the site. As such, the application is considered to generally comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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

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 Plan numbers

- P/001 Rev E received 27.01.23
- P/002 received 07.11.22

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. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. The dwelling shall not be occupied until an area for the parking of vehicles has been laid out in accordance with the approved plan "P/001 REV E" and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to works commencing on site design and detail of the car parking area surfaced in permanent material and new vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the dwelling.

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

6. HGV's used during construction shall be restricted to 09:00am to 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with 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.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence 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 dwelling is occupied. The development shall be carried out in accordance with the approved details and retained thereafter.

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

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained 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 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development 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 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.

## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0788/15 (GD)  
**APPLICANT:** Ty Llwyd Developments Ltd  
**DEVELOPMENT:** Variation to condition 2, house type and general amendments 18/0736/10  
**LOCATION:** FORMER HILLSIDE COUNTRY CLUB, COLLENNA FARM, TONYREFAIL, CF39 8AX  
**DATE REGISTERED:** 14/07/2022  
**ELECTORAL DIVISION:** Tonyrefail East

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#### RECOMMENDATION: Approve

**REASONS:** The principle of the proposed development is well established with the site previously having been granted full planning permission for residential development. The variation of conditions currently sought aims to change house types on a number of plots as well as the alignment of some dwellings as a result of changes made necessary due to highway requirements.

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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

The current application seeks further variation in the layout and house types for the development of this site driven largely because of the alterations to the internal highway layout that were necessary to bring it up to an adoptable standard. The original highway layout drawing as approved could not deliver an adoptable highway to serve the development and has been revised and realigned to address this problem otherwise the proposed changes are as follows: -

Plots 1 -6 will remain the approved house type A though plot 6 will now also have a detached garage.

The need to provide a turning head to serve the development has led to plots 7 and 8 being omitted and a larger plot 9 providing a detached house type D

Plots 10, 12, 13, 22 and 23 remain as originally approved.

Plot 11 remains a house type B but the integral garage is replaced with a detached garage.

Plot 14 is omitted, as that area is now part of the SuDs serving the development

Plot 15 changes from house type B to house type F

Plot 16 changes from house type B to house type F with a garage

Plots 17 and 18 change from house type B to G

Plots 19 – 21 change from house types B to E

Plot 22 remains house type A

Plots 23 and 24 remain house type B

Plot 25 remains house type A but is rotated 180 degrees so that its front faces into the site

Plot 26 remains house type C but is rotated 180 degrees so that its front faces into the site.

Plot 27 changes from house type B to H with a detached garage

Plots 28 to 30 remain house type C with a detached garage

The application is accompanied by the following:

- Planning Statement;

## **SITE APPRAISAL**

The wider development site is 1.05 hectares in area and lies at the northern edge of Tonyrefail. The site slopes gently down to the west and south. Llantrisant Road forms the eastern boundary of the site, which is otherwise bounded by open countryside apart from existing residential development known as 'The Highlands' and 'The Paddocks' that lie in close proximity to the southern boundary. The site was formerly occupied by the Hillside Country Club though that was demolished some time ago and the site is now under redevelopment with an established access with a few houses occupied and others nearing completion. Llantrisant Road is a comparatively narrow highway that runs north to south between the edge of Tonyrefail and the junction with Collenna Road to the north. The highway lacks footways where it fronts the application



site a footpath link and crossing point has been established and that has been marked out for completion. The site lies immediately adjacent to the designated Rhos Tonyrefail Site of Special Scientific Interest.

## PLANNING HISTORY

21/0570	Amended house design and plot layout for plots 9,20 &21 omission of plots 7 & 8, inclusion of detached garages to plots, 9, 11 and 30, and modifications to plot boundaries to plots 10, 11, 12, 13, & 30 of previous planning approval 18/0736/10	Approved 13 <sup>th</sup> September 2021
19/0567	Discharge of conditions 3 (site Investigation), 6 Boundary Treatments), 7 (proposed levels), 8 (external finishes), 12 (traffic calming measures), 13 (site boundary), 14 (link footpath), 15 (traffic regulation order), 16 (road plans), 18 (CDM) of planning permission 18/0736/10	Approved 2 <sup>nd</sup> November 2020
18/0736	Residential development of 30 dwellings to include new access from Llantrisant Road , and associated works including attenuation ponds	Approved 16 <sup>th</sup> November 2018
10/0715	Residential Development (outline application)	Approved 12 <sup>th</sup> May 2014
07/1702	19no. dwellings new access road and associated works	Withdrawn 11 <sup>th</sup> June 2008
05/1814	Residential development 12no.units (outline application)	Withdrawn 24 <sup>th</sup> October 2012
99/2716	Construction of 12no. residential units	Approved 11 <sup>th</sup> February 2000
94/0844	Freestanding telecoms mast(15m) 2 directional antenna 1 dish antenna	No objections 25 <sup>th</sup> January 1995
81/0585	Extension to hotel to provide bedrooms and bathrooms	Approved 22 <sup>nd</sup> July 1981
80/1724	Changing room, toilets and sauna extension	Approved 3 <sup>rd</sup> February 1981

79/1139	Advertising boards	Refused 10 <sup>th</sup> October 1979
77/1089	Conversion of stables to dining room	Approved 25 <sup>th</sup> October 1977
77/0710	Advertising	Refused 27 <sup>th</sup> July 1977
76/1243	Overhead line	No objections 1 <sup>st</sup> March 1977
75/0926	Erection of dwellings	Approved 12 <sup>th</sup> November 1975
74/0065	Residential development of 36no. dwellings	Approved 30 <sup>th</sup> July 1974

## **PUBLICITY**

The application has been advertised by means of site notices and neighbour notification letters and this has led to the submission of two objections making the following points: -

- The proposed changes to the layout adversely affect privacy and visual amenity of existing residents.
- Site levels have been raised by 3 to 4m and they need to be reassessed in light of the building line for plots 15 – 19 having been moved 5m southwards towards existing properties.
- Moving the building line of plots 15 – 19 will lead to two storey properties looming/overshadowing existing properties in an uncomfortable arrangement that adversely impact the amenity of existing homes.
- It is questioned whether or not the way in which ground levels have been raised making use of gabion baskets is fit for purpose, given that they are placed on a banking that the developer created, with foundations higher than the original land levels and adjacent land, and that they will be supporting the foundations of new housing.
- Trees on the adjoining property only provide screening for four months of the year, as they are deciduous and should not be considered a permanent feature.
- Given that the new housing will be closer to the Southern boundary of the site there is also concern that the existing trees might become a cause for dispute between existing and new residents.
- Residents are upset that work commenced on the development before necessary legal agreements are in place and now that has resulted in revisions that will adversely affect the privacy and amenity of existing residents. This will compromise further the privacy of existing residents and should have been factored in to the original plans.

- Under the original application plot 21 would have been the closest to The Highlands and side on to that property and privacy in relation to plots 15 – 19 was considerate being set back had the situation with legal agreements been apparent at that time then the jeopardy that the project presents to neighbours could have been reconsidered
- Arguing that what is now proposed for plots 15 – 19 represents good quality development is questionable given the apparent lack of private garden space that the proposed development would now involve, along with an uncomfortable relationship between plots 20 & 21 with proposed plot 19 depriving those properties of light in the late afternoon.
- It is questioned whether the proposed houses are affordable given the asking price compared with average house prices in Tonyrefail.
- Plots 15 – 19 are being shoehorned into unsuitable building plots due to poor project management without appropriate legal agreements being in place.
- Though only one property sits to the south of the site but it has a relationship with six of the properties currently proposed and the same weight of consideration should be given to the views of the occupants of the single dwelling as if there were a high volume of objections.
- Residents are annoyed and concerned that building works continue at the site ahead of any new planning permission for the development being granted.
- It appears that the new proposals are overriding the safeguards written in to the original permission in relation to existing property due to legal agreements not being in place to enable the development as originally approved at the expense of the privacy and amenity of existing property.
- The legal boundary of the site is a matter of dispute.

## **CONSULTATION**

Transportation – No objections subject to conditions

Flood Risk Management – from a flood risk perspective have no comment to make.

Public Health & Protection – have no comment to make on the application

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on

24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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

**Policy CS5** – sets targets for the provision of affordable housing across the plan period

**Policy AW1** – sets criteria for meeting housing targets across the local development plan period including building out the allocations in the plan.

**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** – has the objective of protection and enhancing the natural environment.

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

**Policy SSA4** – promotes residential and commercial development within the key settlement of Tonyrefail.

**Policy SSA10(5)** – allocates the site for the development of up to 40 dwellings.

**Policy SSA11** - Promotes the provision of housing density at 35 dwellings per hectare in the southern strategy area.

**Policy SSA12** – promotes the provision of 20% affordable housing on residential developments in the southern strategy area.

## **Supplementary Planning Guidance**

Design and Placemaking

Nature Conservation

Access Circulation and Parking

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 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 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 Future Wales 2040, 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
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
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.

In this instance, the applicants have submitted an application under s.73 Town and Country Planning Act 1990 to amend conditions 2 of Planning Permission 18/0736 (see above) which itself was altered by the grant of full planning permission 21/0570. In such circumstances the Local Planning Authority are required to consider only the conditions subject to which the planning permission should be granted and in doing so the Local Planning Authority must consider whether there has been any change in

policy or any other material circumstance that might affect the proposal. If the application is successful, this results in the grant of a new permission.

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

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

- (a) Grant consent either with or without conditions; or,
- (b) Refuse.

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

### **Main Issues:**

Notwithstanding the above, the main issues relating to the determination of this planning application are the principle of the proposed development and the acceptability of the proposed changes in planning terms, impact of the proposed changes on the character and appearance of the area and residential amenity and privacy, and the consequences of the changes for highway safety.

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

The site subject of the current application has a planning history of approval for residential development and is allocated within the Local Development Plan for the construction of up to 40 dwellings. The original proposals did not meet the target of achieving the development of 35 dwellings per hectare on this 1.05-hectares site however, that acknowledged the difficult terrain and the need to accommodate drainage attenuation on site and as such, the overall number of dwellings proposed was considered acceptable. Since that time details in terms of the highways to serve the development and further difficulties with drainage for the site in achieving SUDs approval, has driven down the number of plots that can be developed. As an allocated site within an adopted Local Development Plan, the site remains sustainable as this would have been a key consideration in its inclusion within the plan itself. Whilst there would normally be a requirement to make provision of 20% affordable housing within the development, in this case the applicants have provided viability evidence that has

been independently verified for the Council, which clearly demonstrates that no affordable housing should be sought in this case. It is not considered the introduction of PPW11 and Future Wales 2040 would have shifted the policy position in any way that would make the current proposals unacceptable.

As such the proposals are considered compliant with Local Development Plan policies CS2, CS5, AW1, SSA4, SSA10(5), SSA11 and SSA12 have been adequately addressed in this case in pure policy terms. Where they and other policies may affect other issues compliance or otherwise is demonstrated below.

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

In granting planning permission for the redevelopment of the site under planning application 18/0736, it was established that the impacts of the redevelopment of the site as housing was acceptable. Though it would be a visually prominent development, it would improve the appearance of the wider locality generally and would be read as part of the wider urban mix in the area. This would remain the case with the changes currently proposed and as such, the proposals remain compliant with the requirements of Local Development Plan policies AW5 and AW6 insofar as they relate to this issue.

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

Similarly, the impact of the original development was fully evaluated when the original planning application was approved, and subsequent to that with the alterations to the original approval agreed under application 21/0570. The issue here is therefore whether the proposed changes alter that in any way that would warrant an alternative outcome.

The changes would largely affect only the development itself and in this respect they are in any event acceptable in planning terms. The exception to this rests at plots 15 – 20 on the southern side of the site where the proposed development sits above the properties known as The Highlands and the Old Vicarage. The proposals involve a change of house types on these plots bringing in slightly larger properties than those already approved. Additionally, their location within these plots would have their rear elevations 5m closer to the site southern boundary than previously approved. That said a distance of 27.5m would be maintained between the proposed property at Plot 19 and the Old Vicarage at its nearest point. Similarly, a distance of 31.9m is still maintained between the proposed property at plot 17 and The Highlands. These distances compare favourably with the distances between The Highlands and the Old Vicarage and the properties at 2 and 3 the Paddocks, which sit below them at distances at just over 21m. It should be noted that the objector has raised the issue of the difference in levels between existing properties and the original planning permission had levels agreed because of conditions under application 19/0567. The variance between the levels approved for the site and those now proposed is not particularly clear from the submitted detail and should Members be of a mind to support the current proposals it would be appropriate to require further agreement of

levels and sections for the variations to the development now proposed. Whilst the creation of the gabion retaining wall will have undoubtedly raised rear garden levels for the proposed properties, the changes to slab levels are of a much lesser degree, but certainty is required to ensure a development that is acceptable.

Reference has been made to the proposed development looming and overshadowing existing homes adjacent to it. To some extent, this concern is understandable but Members are again referred to the fact that separation distances between buildings are more generous than the norm in the area. Additionally, though downslope of the proposed development existing development is also south of it, which would minimise any potential for overshadowing.

The trees at the boundary of the adjacent property immediately south of the site are deciduous and would only provide complete screening when in leaf. However even when bare, they still break up the visual relationship between existing and proposed properties and separation distances are in excess of minimum requirements. Whilst the point about the trees being a potential for dispute between neighbours is an understandable concern, it could form no basis for the refusal of the planning application

The amount of garden space does not in and of itself define whether a development is of high quality, which is a subjective matter that comprises a number of considerations, not just the size of the garden. In any event, the proposed development is typical of modern developments, which tend to provide good-sized houses on relatively restricted plots and in this case, this is not a matter that could justify the refusal of the proposals

Built development on plots 15 to 19 occupies just over a third of the plot and as such could not be regarded as being shoehorned into the plots particularly as in this instance they are all detached buildings with space around and between them.

It is not uncommon on major housing sites for plans to be the subject of revision as development of the site progresses and this is the case with this site. It is not a question of changes overriding safeguards built in to earlier permissions but whether the proposed changes are acceptable in terms of their planning merit. If they are acceptable then there is no reason to refuse the proposals if they are unacceptable then refusal is warranted.

Similarly, the issue here is the acceptability of the proposals in planning terms just because the impact of proposed changes might differ from those originally approved and their impact may be greater, it does not make proposals unacceptable in planning terms

### **Access and highway safety**



Considering that the application is part retrospective with a significant number of dwellings constructed and occupied and the internal road at a significant stage of construction and parking provision similar to the original approved application have been retained no objection is raised to the amended layout as shown on Drawing No. 6656-BHP-V1-XX-DR-C-(70)S38 Rev J produced by Bingham Hall.

The parking associated with each house type is the same as at the previous application with the original application and in some cases improved by the change of house types to incorporate integral garages. Whilst the parking layout is not considered best practice, sufficient parking is provided and therefore objection would not be warranted.

**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.

In order to facilitate the development, a gabion retaining wall has been erected to a height of approximately 2.5 meters running parallel with the southern boundary of the site only a short distance north of it. There has been some concern over the structural ability of the wall to retain land serving the development given that it is built on the slope. To that end, the applicants have provided structural calculations that have been assessed by the Council's structural engineer who has indicated that he has no comment to make on the wall. Notwithstanding ultimately it is for the developer to ensure that the wall is structurally sound.

Objectors have raised objection to works commencing on site before necessary legal agreements are in place and before planning permission is in place. Given the context, the legal agreement referenced would be the Section 38 agreement for the adoption of the highway. If developers choose to commence development before legal agreements are in place or as in this case continue building knowing that the planning approval will require revision is something they do at their own risk, and it is not a reason for refusing a planning application if it is otherwise acceptable in planning terms.

Objectors have questioned whether the houses proposed are genuinely affordable for local people given the asking price and the fact that it is well above the average house price for Tonyrefail. This is not a planning consideration but a matter for the market.

All objections and comments made in respect of any planning application are considered and commented on with regard to their planning merit rather than the amount of people who have raised such objection or comments – validity lies with content and not with numbers.

Some concern is expressed that development at the site continues despite permission not being granted. In this regard the applicant has been advised that anything undertaken without the benefit of planning permission is done so at the developers own risk

Members will note that the boundary between the development site and the property immediately to its south has become the subject of legal dispute since the submission of the application currently under consideration. . This though is private matter where the appears to be overlap between rival plans. The applicants for their part have produced copy of the land registry certificate, which evidences that the correct certificate has been submitted and determination of the planning application can therefore proceed.

### **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 application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The application seeks variation to a scheme that had previously agreed a schedule of CIL payments, some though not all of which have been paid. The remaining CIL (including indexation) for this development is expected to be £28,473.15

### **Conclusion**

The application for the development of this site remains compliant with the relevant policies of the Local Development Plan. The changes to the house types and layout for the most part are uncontentious and acceptable in highways and planning terms. Alterations to the house type and position adjacent to the southern boundary of the site have clearly been the source of greatest concern not only to the adjoining resident but also in terms of its acceptability for planning purposes. However, having fully considered the proposed changes they remain acceptable in planning terms and therefore the proposals are supported with a positive recommendation

### **RECOMMENDATION: Approve**

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

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

2. Other than as modified by subsequent conditions of this consent, approval is granted for the following plans –

- Proposed site layout plan PL001 Rev F
- House type A PL004
- House type B PL005
- House type C PL006
- House type D PL008
- House type E PL010
- House type F PL011
- House type G PL012
- House type HPL013
- Garages PL009
- Highway layout drawing no. 6656-BHP-V1-XX-DR-C-(70)S387 Rev J

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

3. No dwelling approved under this application shall be occupied until the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 Development and Flood Risk.

Reason: To ensure that the drainage from the proposed development does not cause or exacerbate any adverse conditions on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

4. Prior to the commencement of any further works on the development hereby approved, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle around each tree, to coincide with the canopy of each tree. Within the area so fenced off the existing ground level shall not be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off areas, they shall be excavated and back filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left un-severed.

Reason to protect the existing trees on the site during the course of building work in the interests of amenity and in accordance with Policies AW and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No further development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be

retained 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 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development 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 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.

7. Boundary treatments for this development shall accord with the details approved under planning application 19/0567/13 on 2<sup>nd</sup> November 2020.

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

8. Before further works commence on the construction of the dwellings hereby approved, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in compliance with the agreed details.

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

9. External finishes shall be as illustrated on the approved plans and as previously approved for the site under planning application 19/0567 on 2<sup>nd</sup> November 2020.

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

10. No dwelling hereby approved shall be occupied until the drainage works approved under application 19/0567/13 have been completed.

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

11. The development hereby approved shall be carried out entirely in compliance with the requirements and recommendations set out in section 5.4.1. of the Preliminary Ecological Assessment, submitted in support of planning approval 18/0736.

Reason: in the interests of ecology, maintaining biodiversity and protecting the adjacent SSSI in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No further development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby approved has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: to support the roll out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

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## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1004/16 (GH)  
**APPLICANT:** Castell Construction Ltd  
**DEVELOPMENT:** Reserved matters application for 100% affordable housing scheme and associated details in respect of conditions 1, 5, 7, 9 and 10 pursuant to outline permission ref. 21/0448/15. (Revised Site Location Plan, Site Layout Plan and Transport Technical Note (regarding Waunrhydd Road junction) received 27th January 2023; Construction Traffic Management Plan received 12th April 2023)  
**LOCATION:** RHONDDA BOWL SKITTLE ALLEY, WAUNRHYDD ROAD, TONYREFAIL, PORTH, CF39 8EW  
**DATE REGISTERED:** 18/08/2022  
**ELECTORAL DIVISION:** Tonyrefail West

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

**REASONS:** The application site comprises previously developed land within settlement limits which has already benefitted from outline planning consent for residential development, granted on appeal in 2017 and renewed in 2021.

In respect of the reserved matters, the design, scale and layout of the development would make efficient use of the site and in addition to providing a welcome mix of house types to meet local needs, would result in a small development of an attractive appearance.

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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

Planning permission is sought for the approval of the reserved matters pertaining to an existing outline planning consent at Rhondda Bowl, Waunrhydd Road, Tonyrefail.

The original outline application for the demolition of the Rhondda Bowl and the residential redevelopment of the site, ref. 15/0112/13, was allowed on appeal in 2017. A subsequent Section 73 application, to extend the life of that consent, ref. 21/0448/15, was later approved since there had been no material changes in respect of planning policy or the context of the site.

Although the approved outline plans indicated a development of 27 dwellings, this submission has reduced the size of the development to a total of 20 affordable dwellings, comprising the following:

- 4 x three bedroom houses of design type A (93m<sup>2</sup>)
- 1 x three bedroom house of design type B (98m<sup>2</sup>)
- 3 x two bedroom house (83m<sup>2</sup>)
- 12 x one bedroom flats (47m<sup>2</sup>)

The proposed site layout plan demonstrates that the extent of the site, together with the access point and position of the new dwellings, are in line with the outline approval details.

The flats would be arranged in 2 x three storey blocks with a central communal entrance to each and would have access to cycle and bin stores and external clothes drying space, whereas the houses would be two-storey and have private rear gardens.

All communal areas and the space to the front of the dwellings would be landscaped, with rain gardens as part of the site's sustainable drainage strategy and twenty off-street parking spaces.

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

- Coal Mining Risk Assessment
- Site Investigation Report
- Air Quality Assessment
- Highways Access Technical Note
- Noise Impact Statement
- Survey for bats and nesting birds
- Construction Traffic Management Plan

Lastly, Members will note from the description of development that some of the information submitted as part of this application provides detail in respect of several conditions of the outline planning permission. This detail relates to drainage, noise, site investigation and affordable housing, and these material concerns are considered within the body of the report below.

## **SITE APPRAISAL**



The application site comprises a building and its curtilage that currently accommodate the leisure facility 'Rhondda Bowl'. The building is located at the southern part of the site with a car park and access road to its frontage.

The access into the site also serves Tonyrefail Leisure Centre which is located to the west of the application site. The eastern boundary of the site comprises a retaining wall and embankment that supports the A4119 by-pass. There are residential properties located opposite the existing car park of 'Rhondda Bowl' adjacent to the existing site entrance.

The access road from Waunrhydd Road currently forms a two-way access for the four dwellings that front it. This access also forms part of a one way system for both Rhondda Bowl and Tonyrefail leisure centre, i.e., access to these facilities is from Waunrhydd Road, but the exit is via the leisure centre car park on to the B4278 Gilfach Road.

There is a pedestrian route to the side of the site and a row of trees to the rear, beyond which there is an open area of ground.

## **PLANNING HISTORY**

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

- 21/0448/15:** Condition 2, extend time period for submission of reserved matters for 3 years. Condition 3, extend time period for the implementation of the consent for 3 years. (15/0112/13). Decision: 08/06/2021, Grant.
- 15/0112/13:** Outline consent for the demolition of two storey building known as Rhondda Bowl and the re-development of the site for residential development (Amended plans and additional details received 30th September and 7th October 2015). Decision: 08/08/2016, Refuse. (Allowed on appeal).
- 05/1342/09:** Application for certificate of lawfulness for existing use for outdoor market on a Tuesday. Decision: 09/09/2005, Refuse.
- 05/1339/10:** Proposed outdoor market (Saturdays). Decision: 29/11/2005, Withdrawn by Applicant.

## **PUBLICITY**

The application has been advertised by direct notification to nine neighbouring properties and notices were displayed on site. Furthermore, the proposed development was advertised by a press notice.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

No objection subject to conditions

### Leisure

So long as all building work is contained in the usual way and does not impact on the normal operation of the sports centre, sport centre car parking facilities or the use of the park and sports pitches, no objection will be raised.

### Flood Risk Management

The information provided by the Applicant has been reviewed but has not yet satisfied the requirements of the condition. Therefore, it is recommended that the condition remains.

### Public Health and Protection

It is recommended that the condition relating to site investigation, remediation and validation is applied to this reserved matters application. However, the desk study element can be dispensed with.

The Noise Impact Assessment report is acceptable subject to the mitigation measures being installed and completed, together with a condition requiring that acoustic testing should be undertaken to ensure it is sufficient.

In respect of the Air Quality Assessment, the Public Health and Protection Section is satisfied with the report findings that there will be no significant impact on air quality.

### Natural Resources Wales

NRW has reviewed the Geotechnical and Geoenvironmental Report and is satisfied that the exploratory investigation confirms no signs of gross contamination, nor does there appear to be any significant concentrations of contaminants identified that may present a risk to controlled waters.

However, NRW raises concerns in respect of flood risk and requires further information, without which it would object to the development.

### National Grid

A new connection or service alteration will require a separate application to the National Grid.

### Countryside – Ecologist

No objection, the 2021 David Clements Ecology survey is still relevant, and the mitigation/enhancement requirements are as per that identified within the report. Therefore, the previous condition should be applied to any new consent.

### The Coal Authority

On the basis of the conclusions of the CMRA submitted, there are no objections to the development and no conditions are recommended.

### South Wales Fire and Rescue Service

No objection.

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

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonyrefail

**Policy CS2** - sets out the strategy for the Southern Strategy Area (SSA) with an emphasis 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 CS4** – identifies the housing requirement figure for the plan period

**Policy CS5** - identifies that there is a need to provide 1770 affordable housing units over the plan period.

**Policy AW1** - concerns the supply of new housing within the Borough and stipulates that the supply will be met by the development of unallocated land within the defined

settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

**Policy AW2** - 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 AW4** - indicates community infrastructure and planning obligation contributions that might be sought in respect of new development.

**Policy AW5** – 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** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. 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.

**Policy SSA4** - indicates that residential development in the key settlement of Tonyrefail will be permitted where it supports and reinforces the role of the centre as a key settlement; is of a high standard of design and integrates positively with existing development; promotes the beneficial re-use of vacant and underused floor space; supports the provision of local services and promotes accessibility by a range of sustainable modes of transport.

**Policy SSA11** - stipulates that residential development will only be permitted where the net residential density a minimum of 35 dwellings per hectare.

**Policy SSA12** - provision of 20% affordable housing will be sought on sites of 5 units or more.

**Policy SSA13** - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

## **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- Development of Flats

## **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 2: Planning and Affordable Housing;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to

be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

## **Main Issues:**

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

The principle of the demolition of the Rhondda Bowl and the redevelopment of the site for residential purposes has already been established on account of the outline planning permission granted in 2017 and renewed in 2021.

Although FW2040 and PPW11 have been introduced since the first of those permissions were granted, there have been no material changes to national planning policy which would result in a different position.

Furthermore, the site remains within the settlement boundary and in a sustainable location, where there is a presumption in favour of residential development. It is also noted that the application would be within a regional growth area as defined by FW2040.

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

The site is currently occupied by the footprint of the large Rhondda Bowl building, which is of a functional form and dated appearance. The adjoining land within the curtilage of the site is nearly all paved, tarmacked or laid with concrete. The combination of both creates a hard and unsympathetic first impression to the site.

Whilst the proposed development would retain some of the hardstanding area for access and circulation, the design and style of the houses and flats, together with the soft landscaped areas and gardens defined on the site layout plan, would be considered to create a better sense of place.

The entrance to the site from Waunrhydd Road would also be enhanced by the proposed landscaping on its eastern side, and this would help to soften the impact of the large concrete walls which retain the abutments of the A4119 bridge.

The development would therefore improve the public realm in the immediate area, and create some natural surveillance, which might help to reduce opportunities for anti-social behaviour.

With regard to the scale of the properties, these would not exceed three storeys. Given their location between the A4119 and leisure centre this would be considered to be

acceptable. Similarly, the development density of 55 dwellings per hectare is reasonable for an urban setting and allows for ample communal and private space in and around the development.

There is some concern about the extent of the close boarded fence proposed to the western boundary of the site, following the line of the footpath from the leisure centre to the pitches and park beyond.

However, it is recognised that the site does not lend itself to other practical layout options, without the new dwellings being located close to the A4119 or reducing the efficiency of the land use. In addition, the appearance of the timber fence will weather and might be considered preferable to the extant post and wire fence and side elevations of the current building.

In light of the above, it is considered that the proposals will improve the character and appearance of the site and surrounding area, and the reserved matters relating to appearance, landscaping, layout and scale are acceptable.

### **Impact on neighbouring and future occupiers**

In terms of neighbouring occupiers, the residential development of the site is unlikely to be of significant concern and would not be considered to cause any issues of compatibility for the operation of the leisure centre.

Likewise, other than for the disruption during the stages of demolition and construction, the new homes would be at a sufficient distance from the closest neighbouring dwellings, approximately 35m to the north, to prevent any impact on privacy or amenity.

With regard to future residents, matters relating to amenity, space, access etc. will be encompassed by the amenity and space criteria specified within the Welsh DQR standards for affordable housing, which must be achieved in order for the development to qualify for WG funding. Unsurprisingly, the design and layout of the proposed flats does not cause any concern when set against the Council's SPG for the Development of Flats.

Finally, the submitted Noise and Air Quality Assessments have been considered by the Council's Public Health and Protection Division and subject to a condition requiring the implementation of recommended noise mitigation measures, there are no objections in this regard.

Therefore, the development is considered to be acceptable in terms of the amenity and privacy of existing and future residents.

### **Access and highway safety**

## *Access*

Access to the site was considered in detail at the outline application stage and the Applicant has demonstrated that the required vision splays are achievable and satisfactory arrangements can be made to provide access to the leisure centre and existing dwellings, in addition to the proposed development.

The access road will be 6.1m wide to accommodate large vehicles / coaches associated with the use and maintenance of the adjacent sports facilities and will provide a footway access to the existing and proposed dwellings. Details associated with the drainage of the access road require approval via the Sustainable Drainage Approving Body (SAB), which is outside of the planning process.

The highway layout is considered acceptable subject to provision of satisfactory drainage and therefore a suitable condition is suggested requiring full engineering design and detail to be submitted for approval prior to any works commencing.

## *Visibility*

A speed survey undertaken at the location of the proposed access to determine the 85<sup>th</sup> percentile wet weather speed of traffic was undertaken in March 2016 by Capita. Survey results indicate that the 85<sup>th</sup> percentile wet weather speed of traffic approaching from the west was 26.1 mph and 31.1 mph approaching from the east. On this basis TAN 18:Transport, Annex B Table B requires vision splays of 2.4m by 32 m (By interpolation) would be required to the left and 2.4m by 43m to the right.

From site measurements and the junction geometry shown on submitted drawing number 2177-001 REV G which shows the garage and boundary wall of No 37 Waunrhydd Road set back a vision splay of 2.4m by 33m can be achieved to the left and visibility to the right at the junction based on site measurement indicates that visibility of approximately 2.4 by 120m can be achieved. On this basis the visibility at the proposed junction is considered acceptable.

## *Circulation*

Signage to accommodate one way movements from the adjacent sports facility and two way movements from the development and existing dwellings fronting the access road are provided and the layout provides for unrestricted access to the retaining wall supporting the A4119 which is considered acceptable. The design of the junction serving the residential parking court has been designed to permit large vehicles such as refuse vehicles to turn should access through the unadopted link through the leisure centre carpark be unavailable.

## *Parking Provision*



The proposal consists of 20 dwellings with parking requirements as set out within the Councils SPG; Access Circulation and Parking (March 2011) and the SPG; Development of Flats – Conversions and New Build as set out in the table below

Dwelling	No.	No. Beds	Parking Requirement SPG		Provided
			Min	Max	
1 bed Flat	12	1	12	12	
3-Bed House (Type A)	3	3	2	3	
3-Bed House (Type B)	2	3	4	6	
2-Bed House	3	2	3	6	
Visitor Parking			4	4	
	20		25	31	20

Whilst the parking provision is below the maximum provision set out within the Council's SPGs, the development would provide 20 parking spaces which are unallocated to any specific dwelling. Considering that the Councils SPG is based on maximum standards, the lower parking requirement associated with 1-bed flats and social housing coupled with the sustainable location close to Tonyrefail town centre the parking provision is considered acceptable, on balance.

#### *Summary*

The proposed carriageway width and junction geometry is acceptable to serve the Leisure Centre, existing properties and the proposed development. A speed survey undertaken to determine the 85th percentile wet weather speed of traffic along Waunrhydd Road has been undertaken and on this basis the junction visibility is in accordance with the requirements set out within Tan 18: Transport and is therefore acceptable.

The parking provision does not meet the requirements of the Councils SPG, however, a total of 20 spaces are provided and are unallocated for the twenty dwellings proposed. Considering the lower levels of car ownership associated with single bedroom flats and social housing, potential for short term visitor parking to be accommodated within the private parking court and access or nearby public carpark and the sustainable location close to local amenities and with good access to public transport the parking provision is, on balance, considered acceptable.

The proposed road layout maintains an easement zone and access to facilitate future inspection and maintenance of the retaining wall supporting the A4119 and is acceptable in principle subject to detailed design and agreement of highway drainage which forms part of an application to the SAB outside the planning process and can be conditioned accordingly.

Whilst the road layout shown on the submitted drawing 2177-001 REV G (amended plan), detailed design of the highway is reliant of provision of acceptable drainage which is subject to approval by the SAB outside the planning process, therefore a

condition requiring submission and approval of full engineering design and detail to ensure that the road is constructed to adoptable standards is required.

## **Flooding**

The planning application proposes highly vulnerable development (residential). NRW has highlighted that the application site falls partially within Zone C2 of the Development Advice Map (DAM) as contained in TAN 15 (2004) and that the more recent Flood Map for Planning (FMfP), which was produced to accompany the postponed revision of TAN 15, identifies the application site to be at risk of flooding and within Flood Zones 2 and 3 (Rivers).

Nevertheless, although NRW has now requested the submission of a Flood Consequences Assessment, its previous response to application 21/0448/15 contained the following comment:

*“The application site lies partially within Zone C2 of the Development Advice Map (DAM) as contained in TAN15.*

*We acknowledge that indicative plans show that there won't be any development within this section of the proposed site boundary and therefore we don't have any adverse comments to make in relation to flood risk”.*

The layout of the development remains as per the indicative plan provided at the time of determination of the outline application and the 2004 version of TAN 15 remains in force, as was the case at the time of the determination of the appeal and subsequent Section 73 application.

Therefore, although NRW's concerns are noted, the matter of the principle of the development has long been established and since it is the approval of reserved matters being sought, such concerns are considered to be beyond the scope of this 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 site lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones where there is a liability of £40m<sup>2</sup> for residential development.

The CIL (including indexation) for this development is expected to be £83,969.87.

However, social housing relief may be claimed on the social housing element of the development and therefore no CIL would be payable.

## **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.

Welsh Office Circular 13/97 Planning Obligations provides 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 only intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case**

In this case the proposed development, on behalf of Newydd Housing Association, would provide 100% affordable housing for social rent.

Usually, a S106 agreement would be required to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

However, on granting outline planning permission in 2017 the Inspector secured this requirement via a condition for the approval of an affordable housing scheme.

The Applicant has advised that all units will be affordable housing, the development will be constructed without phasing and that all homes on first and subsequent lettings will be let via the Common Housing Register, in collaboration with the Council's Housing Options Team.

Therefore, a condition has been included below to ensure that the new residential units are maintained as affordable units for social rent.

## **Conclusion**

Subject to the conditions outlined below, it is considered that the proposed development is in accordance with the approved outline scheme and that the details relating to the approval of the reserved matters of access, appearance, landscaping, layout and scale are acceptable.

The scheme would result in a more attractive development than that of the existing building and large area of hardstanding currently occupying the site, with the soft landscaping surrounding the site contributing to an enhancement of the street scene. In addition, the existing access arrangements to the site and leisure centre would be improved, and the new properties would be sited far enough from existing dwellings to ensure that third party amenity would not be harmed.

In light of the above, the development would be considered to comply with the requirements of LDP Policies AW5, AW6, AW8, AW10 and SSA12.

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

1. The development hereby approved shall be completed in accordance with the approved drawings and documents:
  - Site Location Plan 2177-005 Rev A
  - Proposed Site Plan 2177-001 Rev G
  - Street Elevations 2177-011 Rev A
  - Street Elevations 2177-012 Rev A
  - 4P2B House Type A Plans 2177-005 Rev A
  - 2P1B Flats 2177-004 Rev B
  - 5P3B House Type B Plans 2177-003 Rev A
  - 5P3B House Type A Plans 2177-002 Rev A

and details and documents received on 18th August 2022, 27th January 2023 and 12th April 2023, 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. No development shall commence until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in

writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

3. No development shall commence until full engineering design and details of the following have been submitted to and approved in writing by the Local Planning Authority:

- road layout to incorporate 2.0m footways
- hard margin strip
- footway links
- 6.1m wide access road to serve the Leisure Centre and 5.5m access road and turning facility including sections; street lighting and surface-water drainage
- 5m wide easement to facilitate future access for inspection and maintenance of retaining walls structures and embankment abutting the A4119 details
- relevant longitudinal sections and construction details.

The development shall be carried out in accordance with the approved details.

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.

4. 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 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, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until details of a scheme to incorporate all the recommendations contained within Section 5 of the survey for Bats and Nesting Birds (David Clements Ecology Ltd, dated June 2021) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the protection and enhancement of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development, other than demolition and site clearance, shall commence until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

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

7. Prior to beneficial occupation the mitigation measures identified within Section 6.5 of the submitted Noise Impact Assessment (Acoustic Consultants Ltd., ref 9505/JA, dated 10/03/2022) shall be implemented and acoustic testing carried out to ensure they are sufficient to satisfy the internal noise levels specified in Section 6.6 of the aforementioned Assessment.

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

8. Prior to beneficial occupation the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted site plan 2177-001 Rev G.

Reason: In the interests of highway safety and to ensure safe and satisfactory access, circulation & parking in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. The new homes shall be provided for the purpose of social rent and maintained in accordance with the definition of affordable housing in Annex B of TAN 2, or any future guidance that replaces it. The new homes shall also

be let on first and subsequent lettings via the Common Housing Register, or any future arrangement that replaces it.

Reason: To ensure the supply of affordable housing in the Southern Strategy Area in accordance with Policy SSA12 of the Rhondda Cynon Taf Local Development Plan.

10. The demolition and construction phases of the proposed development shall be carried out in accordance with the submitted Construction Traffic Management Plan (Castell Group, received 12th April 2023), unless otherwise agreed in writing by the Local Planning Authority.

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

11. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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# Agenda Item 8

## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2022-2023:

**PLANNING AND DEVELOPMENT  
COMMITTEE 22<sup>nd</sup> JUNE 2023**

**REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

	<b>Agenda Item No. 8</b>
<b>APPLICATION NO: 22/1129 – TO CONSTRUCT AND OPERATE A WIND FARM CONSISTING OF UP TO 7 WIND TURBINES AND ASSOCIATED INFRASTRUCTURE (DEVELOPMENT OF NATIONAL SIGNIFICANCE), LAND TO THE EAST OF TREBANOG, RHONDDA CYNON TAF</b>	

**APPLICATION NO:** 22/1129/05 (MF)  
**APPLICANT:** Pennant Walters Ltd  
**DEVELOPMENT:** To construct and operate a wind farm consisting of up to 7 wind turbines and associated infrastructure (Development of National Significance)  
**LOCATION:** LAND TO THE EAST OF TREBANOG, RHONDDA CYNON TAF  
**DATE REGISTERED:** 24/05/2023  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION:** That Members approve the Council's Local Impact Report (as set out in Appendix 'A') in respect of this Development of National Significance planning application, for submission to Planning and Environment Decisions Wales to assist the appointed Welsh Government Inspector in the determination of the application.

**REASONS:** Under the requirements of Section 62I and 62K of the Town and Country Planning Act 1990 (as amended) and Regulation 25 of Developments of National Significance (Procedure) (Wales) Order 2016 the Council, as Local Planning Authority, are obliged to prepare a Local Impact Report for the consideration of Planning and Environment Decisions Wales in respect of Developments of National Significance.

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

- The report relates to a Development of National Significance, the determination of which lies outside of the Council's jurisdiction and instead with Planning and Environment Decisions Wales.
- It is considered that nature and scale of the development proposed warrants the involvement of the Council's Planning and Development Committee.

#### **BACKGROUND FOR MEMBERS INFORMATION**

Pennant Walters Ltd is seeking full planning permission for the construction and operation of a wind farm of up to 7 turbines on land at Mynydd y Glyn, Trebanog. As the installed generating capacity of the proposed development would exceed 10MW, it qualifies as a 'Development of National Significance' (DNS) and the application for planning permission is therefore to be decided by the Welsh Ministers rather the Local Planning Authority (LPA), with the process administered by Planning and Environment Decisions Wales (PEDW).

While not involved in the final consideration/determination process, it is a formal requirement of the DNS process that any relevant LPA must submit a Local Impact Report (LIR) to PEDW to assist the appointed Inspector in the consideration of the proposals.

Guidance issued by the Welsh Government sets out a general approach to the LIR and provides that:-

- the LIR is meant to give a factual, objective view of the impacts of the proposed development on the area in question. The impacts should be presented in terms of their positive, neutral and negative effects.
- the report is distinct from any representation a local authority may make on the merits of an application. A Local Authority or individual Councillor may submit a separate representation on the merits of the application.
- the LIR may draw attention to matters raised with the LPA by interested parties or community groups, but only if the LPA considers those matters to be planning considerations that should be included in an LIR.
- in producing an LIR, the local authority is not required to carry out its own consultation with the community.

Section 62K of the Town and Country Planning Act 1990 (as amended) and Regulation 25 of Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) set out the minimum requirements of the content of a LIR:

- The likely impact of the development on the area.
- Planning history of the site.
- Local designations relevant to the site/surroundings.
- The likely impact of any application in relation to a secondary consent being granted.
- Any relevant local planning policies, guidance or other documents.
- Draft conditions or obligations which the LPA considers necessary for mitigating any likely impacts of the development.
- Evidence of the publicity undertaken by the LPA in accordance with Developments of National Significance (Procedure) (Wales) Order 2016 (as amended), i.e. a copy of the site notice, a photograph of the site notice on display and a map showing the location of the site notice.

An overview of the LPA's LIR is set out below for Members consideration. The full LIR proposed to be submitted to PEDW is set out in Appendix 'A' of this report.

## **THE PROPOSED DEVELOPEMENT**

The application seeks full planning permission for the construction, installation and operation of up to 7 wind turbines at the site with an installed capacity of up to 30MW. The turbines would each be of a 3-blade rotor design with a diameter of up to 136m, a hub height of up to 97.5m, and a maximum blade tip height of 155m. Each of these parameters are proposed maximums dependent on the final turbine choice. The wind farm's output would provide enough electricity to power around 15,376 homes.

The proposed development would also include the following associated infrastructure:

- A substation and control building.
- Temporary construction compounds, including temporary site offices.
- Crane pads at each turbine location.
- Turbine foundations, laydown and storage areas.

- Underground power cables linking the turbines and the on-site substation.
- Internal access tracks.
- A new access and junction off the A4233.
- A 1.4km long overhead line from the point of supply (on-site substation) to the boundary of the site where it will be met with a 7.1km long underground cable to the grid connection (an existing National Grid (NG) substation at Upper Boat). The underground cable would be delivered separately by NG.
- Associated construction / enabling works.

It is anticipated that the Abnormal Indivisible Loads (AILs) transporting turbine equipment would travel by road from the Port of Swansea, east along the M4 to Junction 34 (Miskin), north along the A4119 to Tonyrefail, then north-east along the A4233 to Trebanog and the site entrance.

The construction period would be approximately 24 months. The wind farm has been designed with an operational life of 30 years and at the end of this period would be decommissioned, dismantled and removed from site.

## **THE APPLICATION SITE**

The application site forms the summit and upper slopes of Mynydd-y-Glyn mountain, extending to a total area of approximately 182ha. It is located approximately 1km east of Trebanog, approximately 600m south-east of Cymmer/Glynfach/Porth, and approximately 1km north of Tonyrefail. The site is absent of distinct field boundaries and tree cover resulting in it being open and exposed. It is generally comprised of improved and semi-improved grassland used for grazing. There is no built development within the site other than an associated anemometer mast and double pole pylons which support an overhead electricity transmission line which traverses the site.

Access would be gained via a new track leading from a new junction taken from the A4233, between the A4233 / Collenna Road junction (south) and the southern end of the nearby residential street, Cwrt-y-Mynydd (north).

The site lies within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA). Elements also fall within the Trebanog Slopes and Mynydd y Glyn Sites of Importance for Nature Conservation (SINC). The site is partially located within the Rhondda Historic Landscape Area and areas of the Rhos Tonyrefail Site of Special Scientific Interest (SSSI) are located directly to the south. The site is crossed by several high risk areas in respect of historic underground coal mining and there areas of potentially contaminated land on site. The site is crossed by several Public Rights of Way (PRoW); and the entire site is a Sandstone Resource Area.

There are three previous planning applications at the site that are of relevance to this application, each submitted by the current Applicant. The first, ref. 22/0493/10, gained consent on 05/08/22 for the installation of a 90m high anemometer mast for a temporary period of up to 3 years which would assist in the preparation of this scheme. The second, ref. 21/1312/36, and third, ref. 23/5003/41, sought an Environmental Impact Assessment (EIA) scoping opinion and pre-application advice in respect of this current DNS planning application respectively.

## **PUBLICITY**

All statutory consultation in respect of the application has been undertaken separately by PEDW, with any comments from interested parties sent directly to PEDW for consideration. In consultation with the LPA during the earlier pre-application processes, PEDW determined the appropriate consultees were:

- 160 of the closest neighbouring properties.
- County Borough Councillors for the Tonyrefail East and Cymer Wards
- Tonyrefail Community Council
- Local Highway Authority
- Natural Resources Wales
- Cadw
- Welsh Ministers (Transport Directorate)
- Welsh Government (Agricultural Land Use and Soil Policy Advisor)
- Dwr Cymru Welsh Water
- South Wales Fire and Rescue Service
- National Air Traffic Services
- National Grid
- The Coal Authority
- Health and Safety Executive

Members are also advised that 20 site notices were posted on and around the site and at appropriate locations within the wider areas where the turbines would be visible.

In preparing the LIR the following internal Council consultees were consulted:

- Highways and Transportation
- Public Health and Protection
- Flood Risk Management
- Countryside
- Structural Engineers

## **CONSIDERATIONS**

Though this application will not be determined by the Council as the LPA, the need to have regard to the policy requirements of the Local Development Plan, Planning Policy Wales (Edition 11) and Future Wales: The National Plan 2040 still applies.

Future Wales: The National Plan 2040 (FW2040) is the primary planning policy document against which applications qualifying as DNS are to be assessed against. The document was published by Welsh Government (WG) on 24/02/21 and provides a national framework to inform planning decision making and the development of strategic, regional level plans until 2040, having development plan status. The intention of FW2040 is to provide a clear, long term spatial direction for Government policy, action and investment in Wales.

FW2040 is the most up-to-date development plan and is in accordance with the latest version of Planning Policy Wales (PPW), Edition 11. It identifies 10 Pre-Assessed Areas (PAA) for wind energy. These are areas where WG has already modelled the likely impact of wind energy development on the landscape in these locations and has found them to be capable of accommodating such development in an acceptable way. There is subsequently a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to compliance with the relevant, specific renewable and low carbon energy project policies; Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) and Policy 18 (Renewable and Low Carbon Energy Developments of National Significance).

Members are advised however that this application site is located outside of any PAA for wind energy development, but that FW2040 does allow for wind energy development outside of the PAAs providing the proposal complies with each of the criteria set out in Policy 18 as well as any other relevant national and local planning policy.

It is also noted that Policy 18 establishes WG's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales' international commitments and the target to meet 70% of consumed electricity by 2030.

Subsequently, the criteria set out within FW2040 Policy 18 is considered the appropriate template for setting out an evaluation of the current proposal for Members, as detailed below.

In this case, despite being outside of any PAA, the Applicant is of the view that the scheme is compliant with FW2040 in that it meets each of the criteria set out in Policy 18. The applicant is also of the opinion that the spatial approach to onshore wind development set out in FW2040 has significant limitations because of the high-level approach to constraints mapping which was adopted. The Applicant notes that this is evidenced by the work undertaken by RenewableUK Cymru which involved detailed analysis of the PAAs in Wales and concluded that only approximately 5% are suitable for onshore wind and are theoretically deliverable once suitable constraints are applied and operational wind farms have been excluded. The Applicant therefore concludes that the PAAs are only a starting point for large-scale wind energy development and that land outside of the PAAs can be appropriate for large scale wind energy, subject to compliance with Policies 17 and 18 of FW2040.

With regard PAA 9, which is the closest PPA to the application site, the Applicant contends that areas of land included are considered unfeasible and unviable such as in valleys where there is a lack of wind resource and where there is proximity to local centres of population (Tonyrefail, Trebanog and farmsteads) with potential proximity issues such as noise, visual and shadow flicker. Therefore, to reduce the potential for impacts, the Applicant concludes that the proposed development would need to be located further north than the PAA boundary to an area of higher ground where there is potential for better wind generation and a greater distance to population centres, i.e. the current application site.

The following sections set out an assessment of the scheme against the criteria of FW2040 Policy 18, in respect of a positive, neutral or negative impact only:

*Criterion 1 - outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty).*

The Policy permits proposals for renewable and low carbon energy projects subject to 11 criteria and compliance with Policy 17. The landscape impacts have been assessed within Chapter 6 of the Environmental Statement (ES), Landscape and Visual Impact Assessment (LVIA).

The LVIA considers that there would be no direct impacts on the nationally designated Bannau Brycheiniog National Park (BBNP). The Assessment has concluded that there would be no significant landscape effects upon the distinctive characteristics and character of the Park given the distance between it and the application site, and various landform features in-between. Also, there are no Areas of Outstanding Natural Beauty (AONB) within the study area identified within the LVIA and consequently there would be no impact in this respect.

This is considered a reasonable assessment of these issues with a neutral impact expected to the nearest nationally designated areas.

The likely effects on locally designated Special Landscape Areas (SLA) have also been assessed in the LVIA. The Assessment notes for the host Mynydd y Glyn and Nant Muchudd Basin SLA, that *“The small irregular field pattern within the Nant Muchudd Basin would be maintained although may become dominated by the turbines due to their scale and proximity”*, and that *“The un-industrialised nature of the landscape is also a characteristic which would be altered by the proposed development whilst the proposed turbines would also be clearly visible in the views from the settlements referenced in the primary landscape qualities as featuring Mynydd y Glyn as a backdrop in outwards views”*. Direct effects have been assessed with the level of effect identified as ranging from *“major”* and *“significant”* to *“not significant”* and *“none”*.

Indirect effects have also been assessed for the SLAs entirely or partly located within 10km of the proposed development. The following landscape effects were assessed and conclusions drawn:

- Llwynceilyn Slopes SLA – effects would be significant in the eastern part of the SLA.
- Cwm Clydach SLA – effects would be significant in the southern parts of the SLA.

The Assessment correctly identifies that there would undoubtedly be significant visual impacts as a result of the proposed development, both to the host SLA and SLAs further afield. This would consequently result in negative visual impacts in these areas.

Members are advised however that whilst a matter to be included within the planning balance, such negative visual impacts are inherent given the type of development proposed. The majority of PAAs include land designated as SLAs and it could therefore be considered that WG does not see such local designations as being a barrier to large-scale wind farm development. In any case, this is a matter for the Inspector.

The LVIA also assesses cumulative landscape effects which is concerned with the evaluation of the effects that could be generated were the proposed development to become operational along with some or all of the other wind energy developments that are either already operational, have been consented or are proposed. The study area extends to planning applications or scoping opinions within a 28km radius of the site.

The focus of the assessment is to identify which, if any, of the landscape or visual receptors that would not experience significant effects as a result of the introduction of the proposed development alone, may experience significant effects as a result of the incremental contribution of the proposed development. The LVIA assesses the effects under two scenarios:

- Scenario One includes other operational (and under construction) and consented wind energy developments.
- Scenario Two includes proposed wind energy developments (subject of a formal planning application or EIA Scoping Opinion).

Under both Scenarios, for both landscape and visual effects, the LVIA concludes that effects would not be significant. This includes cumulative effects upon the BBNP. In summary, the reason for this lack of significant impacts is either the distance between schemes and/or the nature of topography with most settlements and communication routes (in the case of visual effects) being in the valley floors with limited views across the wider study area.

While these comments are noted, it is not considered that this is accurate conclusion. There are several existing, operational wind turbine developments in relatively close proximity of the site and several consented schemes within RCT and the surrounding Counties that are yet to be constructed. There are also at least two other DNS applications nearby that are currently with PEDW at pre-application or validation stage which could potentially come forward, Twyn Hywel (14no. 200m high turbines between Pontypridd and Caerphilly) and Mynydd y Gaer (13no. 180m high turbines between Bridgend and Gilfach Goch). As such, it is considered the proposed development, when taken in the context of the existing operational turbines, consented and proposed schemes nearby, would have a negative visual impact in cumulative terms, albeit it is accepted that in reality not all of these wind energy developments may come forward.

With regard the potential grid connection, it is considered the worst-case scenario of an overhead line on wooden poles and underground connection would be too small in scale to give rise to any significant effects on landscape or visual receptors. This aspect of the scheme is subsequently considered to have a neutral impact in visual terms.



*Criterion 2 – there are no unacceptable adverse visual impacts on nearby communities and individual dwellings.*

The LVIA assesses the likely visual impacts of the proposed development. The Assessment finds that there are likely significant visual effects on a range of receptors categorised as residential, communications links and recreational.

The application site is located on high ground with a number of relatively small, often linear settlements in the valleys which bound it. It is commented that areas within the following settlements could experience significant visual effects during the operational phase depending upon local topography, screening and orientation:

- Trehafod
- Trebanog
- Ynyshir
- Wattstown
- Rhydyfelin
- Tynant and Beddau
- Llantrisant
- Tonyrefail
- Penrhiwfer and Edmonstown
- Tonypandy

A Residential Visual Amenity Assessment (RVAA) has also been undertaken which assesses the impact upon those properties within 2km of the site (properties outside of settlement boundaries). Significant visual effects are expected at 22 of the 33 properties assessed, but the RVAA concluded that none of the properties will be rendered an unattractive place to live as a result of the effects of the proposed development.

The attractiveness or not of wind turbines/farms is subjective, and wind turbines/farms by their very nature create visual effects so the role of the decision maker is to consider the extent to which these effects outweigh the positive benefits of the project such that the application could be considered unacceptable. Recognition should also be given to the fact that while formal assessment commonly considers views of wind turbines to be negative, the experience of the individual may often be more nuanced.

In this case, overall, the erection of 7no. 155m high wind turbines in such a prominent, undeveloped location is likely to result in a negative impact on the visual amenities of residents in the above areas and the closest properties in the surrounding countryside.

In addition to the above, a number of Public Rights of Way (PRoW) and national cycle trails could also experience significant effects although it should be recognised that these routes are by their nature of considerable length such that it would often only be the stretches closest to the proposed development where significant effects would occur. These are therefore transitory in nature and it is considered any impact would be neutral.

There are no registered historic parks and gardens which would be affected significantly. Two golf courses, open access land upon which the proposed development would be located and a small number of highways would be significantly effected although, as with the footpaths and cycle trails, effects would be largely transitory as the viewer travels through the features. So again, it is considered any impact would neutral.

*Criterion 3 – there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured.*

ES Chapter 8: Biodiversity examines the likely effects on internationally designated sites and features noting there are two statutory designated biodiversity sites of international importance located within 10km of the site boundary, Blackmill Woodlands SAC and Cardiff Beach Woodlands SAC. The former is an example of old sessile oak woods located 8.4km to the west and the latter is one of the largest concentrations of beech forest in Wales, 8.8km to the south. Given the distance from the application site and the qualifying features it is concluded that significant effects arising from the proposed development could not occur and both sites are scoped out of the assessment.

This assessment is considered a reasonable conclusion and therefore a neutral impact would occur.

ES Chapter 9: Ornithology identifies the likely impacts upon internationally designated sites for their ornithological value. There are two within 20km of the site, the Severn Estuary Special Protection Area and Severn Estuary Ramsar Site. However, species for which these sites are designated were not recorded in site surveys and therefore given the distance between the application site and the two European designated sites, it is concluded that the proposed development would not provide functional habitat for any of the notified species and that there would be no observable impacts on the Special Protection Area or Ramsar site.

This is again considered a reasonable assessment which would result in a neutral impact.

*Criterion 4 – there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species.*

ES Chapter 8: Biodiversity considers the impacts on nationally protected habitats and sites. Two statutory designated biodiversity sites of national importance were identified within 2km, the Nant Gelliwion Woodland Site of Special Scientific Interest (SSSI) and the Rhos Tonyrefail SSSI. Of the two sites only the Rhos Tonyrefail SSSI is taken forward for assessment within the Chapter given the separation distance between the application site and the Gelliwion Woodland SSSI. This is considered acceptable.

The Rhos Tonyrefail SSSI is located outside the application site so would not be subject to direct land take or encroachment effects but would be very close at approximately 25m to the south of the proposed access track. The SSSI is a large lowland site of special interest for its marshy grassland, acid flush, species-rich neutral grassland, acid grassland, wet heath and blanket mire. These habitats are associated with areas of woodland. The site is also of special interest for its population of marsh fritillary butterfly.

The ES states that although the principal access track leading to the proposed wind farm would be only 25m from the SSSI at its closest distance, it would not affect the habitats which comprise the SSSI themselves. In addition, the applicant has undertaken surveys for marsh fritillary butterflies and neither the butterflies nor their host plant, devils bit scabious, have been identified on land subject to temporary or permanent disturbance.

The ES also states that while there would be no direct effects on Rhos Tonyrefail SSSI, embedded measures are proposed which would ensure that indirect effects would be prevented or appropriately managed.

The Chapter subsequently concludes that the proposed development would have no effect on the integrity or conservation status of the Rhos Tonyrefail SSSI, and any potential impacts are considered “*not significant*”.

While these comments are noted, the Council’s Ecologist considers there could be a negative impact upon the SSSI if the development is not taken forward in accordance with the relevant ecology mitigation and enhancement measures set out in the ES and supporting documents; and that further information in these respects, especially during construction would be required. But providing appropriate mitigation/enhancement measures are implemented, the scheme would result in a neutral or potentially positive impact. This can be adequately controlled by condition.

ES Chapter 9: Ornithology sets out that there are no national statutory designated sites, i.e. SSSIs or National Nature Reserves, that list ornithological features within 2km of the site. There would subsequently be a neutral impact in this respect.

*Criterion 5 – the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity.*

The Applicant has prepared an outline Habitat Management Plan (oHMP) (ES Appendix 8H) which sets out the objectives for biodiversity protection, mitigation, monitoring and habitat enhancement measures (where applicable), which has been produced in discussion with the Council’s Ecologist at pre-application stage.

There would be limited permanent loss of common and widespread wet heath/acid grassland and grazed semi-improved acid grassland; and the compensation and enhancement measures detailed within the oHMP will improve the ecological value of retained areas of the SINC. Therefore, the integrity or conservation status of Mynydd y Glyn SINC would be maintained. To ensure the proposed development provides a net benefit to ecology, the area of Trebanog Slopes SINC within the site will be subject

to habitat enhancement measures including bracken reduction as part of wider measures to provide marsh fritillary butterfly habitat (as detailed within the oHMP).

While these comments are noted, as set out in the previous section, the Council's Ecologist considers there could be a negative impact upon the SINC if the development is not taken forward in accordance with the relevant ecology mitigation and enhancement measures set out in the ES and supporting documents; and that further information in these respects, especially during construction would be required. But providing appropriate mitigation/enhancement measures are implemented, the scheme would result in a neutral or potentially positive impact. This can be adequately controlled by condition.

*Criterion 6 – there are no unacceptable adverse impacts on statutorily protected built heritage assets.*

Chapter 7 of the ES, Historic Environment, identifies the location of historic assets advising that there are no listed buildings or scheduled monuments on site. The closest listed building is approximately 800m from the site boundary and scheduled monument some 1.3km away. As such, it concludes that the proposed development would not result in significant effects on built heritage assets.

The Chapter also concludes that the proposed development would not result in any significant effects upon undesignated heritage assets such as post-medieval cairns and stone field boundaries nor would it have a significant effect arising from the potential for the disturbance of archaeological remains.

Assessments of significance take into account both construction and operational effects and result in part from an absence of features within and close to the site and the design of the proposed development which has sought to avoid locations of non-designated assets which have been identified as part of the baseline assessment. It is also noted that direct effects on existing known archaeology will be mitigated through archaeological recording such as an excavation or watching briefs in any areas of impact.

Finally, standing and sub-surface archaeology in the form of the Trig Pillar and Hafod Rhiwgarn would be protected by temporary fencing during construction.

This assessment is considered appropriate and exact methods of recording/protection could be secured through condition, resulting in a neutral impact.

Members are advised however that the northern element of the site is located within the Rhondda Special Historic Landscape Area (SHLA). This designation has been given for the dramatic landscape of upland plateau incised by the two narrow, steep sided river valleys which interact with the layers of human influences, creating a place that is locally distinctive.

The erection of any large scale development in this area will undoubtedly result in a negative impact upon the SHLA, especially when the cumulative impact of the surrounding, existing wind farms and those proposed nearby are taken into account.

*Criterion 7 – there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance.*

ES Chapter 15: Shadow Flicker assesses the likely impacts by way of shadow flicker. 24 receptors comprising the closest individual properties or groups of properties have been identified as having the potential to experience shadow flicker for which modelling was undertaken. The modelling demonstrated that shadow flicker could significantly affect 10 of these receptors with a further 14 experiencing non-significant effects.

While this will inevitably have a negative impact upon those residents effected, shadow flicker can be resolved using standard mitigation measures which can control a specific turbine (or turbines) that would be programmed to shut down on specific dates at specific times when the sun is bright enough, there is sufficient wind to rotate the blades and the wind direction is such that nuisance shadow flicker could occur. The resulting conclusion of the ES is that effects would not be significant.

Providing this mitigation is implemented, it is likely there would be neutral impact from shadow flicker. This can be controlled via condition.

ES Chapter 13: Noise assesses potential noise impacts. Consideration of the potential for significant effects focuses upon whether accepted noise standards in the form of ETSU-R-97 could be breached as a result of wind farm operation. Attention is focused upon those residential receptors closest to the proposed development. The noise assessment reported within the Chapter concludes that there is the potential for a significant effect at 3 neighbouring properties, but the exceedance of the ETSU guidance would be in the daytime only.

The assessment is worst case, i.e. it does not factor in directivity. Ultimately the Applicant has the opportunity to reduce the operating modes for the two turbines which create the exceedance (turbines 1 and 6), such that residual effects would be at a level not considered significant. As such, it is generally considered there would be neutral impact in respect of potential noise.

With regards to electromagnetic disturbance, ES Chapter 14: Aviation and Telecommunications identifies that degradation of microwave and other electromagnetic signals is possible as a result of consultation with stakeholders. However, discussions are ongoing to agree a technical approach which would likely result in a condition to any consent which would require the Applicant to address any localised interference issues arising during operation.

With no scheme to overcome the issue being produced to date, this would be considered a negative impact.

Impacts on air quality were scoped out of the EIA as the type of development proposed would not impact upon air quality. It is noted however that in a global sense air quality could improve as a result of the development as over the lifetime of the facility it would offset greenhouse gas emissions that would arise if the electricity were generated via traditional means.

*Criterion 8 – there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T).*

Chapter 14 of the ES, Aviation and Telecommunications, explores the likely effects on aviation and telecommunications. With regard to military aviation and radar the independent aviation consultant appointed by the Applicant to consider such matters concluded that there would be no Ministry of Defence (MoD) Air Traffic Control, Air Defence or Met Office radar affected and the site's location is a 'Green' area where MoD low flying objects are extremely unlikely. As such, there would be a neutral impact in this regard.

Whilst accepting that the criterion does not reference civilian aviation consultation, National Air Traffic Services (NATS) has indicated that the proposed development could have an unacceptable impact upon operations at Cardiff Airport. However, a review undertaken by the Applicant's aviation consultant has suggested that mitigation options are available and that further discussions are underway with NATs/Cardiff Airport to agree these which could be the subject of a planning condition.

Without a solution presented, this would be considered a negative impact.

There would be no impact to the Mid Wales Low Flying Tactical Training Area which is located towards the north of Powys.

*Criterion 9 – there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation.*

Chapter 12 of the ES, Traffic and Transport, examines the potential effects on the transport network and assesses the A4233 (Trebanog) and A4119 (Talbot Green) roads. It is proposed to create a new construction access on the A4233. All construction materials such as aggregate and concrete will be sourced from local batching plants and quarries. The assessment assumes worst case scenario of all construction materials arriving from one source and it identifies two routes for consideration. Separately an AIL study has been undertaken to consider the potential route for the delivery of turbine components from the Port of Swansea.

Based on the construction programme the approximate peak of 42 two-way HGV movements per day (approximately 21 arrivals plus 21 departures per day) is predicted. This number represents between 0.2% and 0.6% of total vehicle movements along the roads assessed and would result in a 30% increase in HGVs along the A4233 Trebanog Road.

The assessment for the A4233 Trebanog Road considers the effects on severance, driver delay, pedestrian delay and amenity, fear and intimidation (of pedestrians and cyclists), accidents and safety and concludes that they would be not significant.

An Outline Construction Traffic Management Plan (oCTMP) has also been prepared (ES Appendix 12B). This sets out the management of daily delivery profiles and controls construction vehicle movements and routeing of HGVs to/from the site.

There is the potential for negative impacts during the construction and decommissioning phases of the development due to increased usage of local roads. But these impacts can be mitigated by condition.

There is a clear risk of damage to the fabric of the road network through concentrated HGV arrivals/departures over the limited period of time that construction and decommissioning of the proposed development would take. This is a negative impact but can be mitigated to a neutral impact through the application of appropriate conditions.

Impacts on the highways during the operational phase of the development are likely to be neutral.

Members are advised that the Highways and Transportation section, as Local Highway Authority, are a statutory consultee on the DNS application and will prepare separate comments to be sent directly to PEDW for consideration.

*Criterion 10 – the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources.*

The proposed development has been designed so as to minimise the materials needed during construction.

ES Chapter 11: Ground Conditions sets out the land subject to the proposed development is classified as Agricultural Land Classification Grade 4 (poor quality land) or lower. No land that is classed as the best and most versatile (Grades 1, 2, 3a) would therefore be lost to the development.

The total temporary displacement or permanent loss of soil is expected to be around 7.54ha, with permanent loss of 6.8ha, which is not assessed as significant. Embedded measures will ensure that soil is reused on site where possible and low ground pressure machinery will be used where possible to minimise soil compaction.

A peat survey has been undertaken (ES Appendix 11A Annex C). Measures embedded in the detailed design of the proposed development seek to avoid peat in accordance with the peat hierarchy (based on information from the peat survey). For areas not surveyed to date (limited to the underground grid connection corridor) it is anticipated that peat can be avoided through design. Excavation and permanent loss of peat will therefore be avoided by the proposed development, and significant effects on peat due to the loss of peat as waste, will be avoided.

All construction activities will be informed by a Construction Environmental Management Plan (CEMP) which could be secured by condition. The CEMP would include measures to manage (inter-alia) waste during construction. No materials will be generated or removed from site during operation of the windfarm.

The scheme is therefore considered to result in neutral impact in these regards.

*Criterion 11 – there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.*

ES Chapter 4: Description of the Proposed Development sets out the likely approach to decommissioning. The design allows for decommissioning and recycling/reuse of materials where appropriate to do so. No stone would be removed from site. Stone laid tracks would be left in situ and could be repurposed for other uses by the landowner or could support recreational use. This is considered appropriate and common practice at such developments and would result in a neutral impact.

*Criterion 12 – the cumulative impacts of existing and consented renewable energy schemes should also be considered.*

The ES sets out an assessment of the cumulative effects of the proposed development in combination with existing and consented renewable energy schemes within the topic-related specific chapters (Chapters 6 to 16). Chapter 2 of the ES, Approach to Environmental Impact Assessment, outlines the approach to the assessment. Overall, the cumulative assessment does not identify any additional impacts that would be unacceptable.

As set out earlier in this report, it is not considered that this is accurate conclusion. There are several existing, operational wind turbine developments in relatively close proximity of the site, several consented schemes within RCT and the surrounding Counties that are yet to be constructed, and several proposed schemes yet to be determined. It is considered the proposed development, when taken in the context of the existing operational turbines, consented and proposed schemes nearby, would have a negative visual impact in cumulative terms, albeit it is accepted that in reality, not all of these wind energy developments may come forward.

#### *Other Issues*

Whilst not contained within the specific FW2040 Policy 18 Criterion above, the below issues are also considered relevant to the determination of this application:

#### *Water Environment*

The assessment provided in Chapter 10 of the ES, Water Environment, has considered the likely significant effects of the proposed development on the water environment, including the aquatic environment, surface water resources and flood risk on and around the site. The effects on water quality, river flows, physical changes to rivers, lakes and other water features have been considered. The assessment is accompanied by a Flood Consequences Assessment (FCA) and Water Framework Directive Assessment (WFDA).

Tributaries of Nant Gelliwion, Nant Muchudd and Nant Ty'rarlwydd cross the proposed underground cable route. These watercourses could be affected by the proposed development, particularly during the construction phase. Changes in flow or water level, water quality, the form of the channel and / or the volume of sediment in the water could in turn affect the aquatic environment dependent on these watercourses,



the water resources that are drawn from them, and the risk of flooding posed to people, property and infrastructure, on-site and elsewhere.

Furthermore, there are seven locally designated sites within the application site which support water dependent habitats and species, relating to the ponds on site. Further, the site and grid connection (both overhead and underground) overlay a 'Secondary A' aquifer.

A dewatering assessment was undertaken using the Environment Agency's analytical tool, this indicated that the turbine excavations have the potential to influence ground water receptors within 24m. The peat bog is located 22m from Turbine 3 and is therefore within the radius of influence. As a precautionary approach it is proposed that any pumped groundwater will be returned to the bog.

Additionally, a model was used to assess the potential for the proposed development to result in high turbidity which could influence local water quality. The model identified any impacts could be appropriately mitigated by embedded measures and that infiltration is unlikely to result in any impacts. Therefore, it is concluded that impacts on water quality would not be significant.

In light of these issues a range of environmental measures which relate to the water environment are embedded as part of the design of the proposed development to avoid or reduce significant environmental effects as far as possible. It is considered these mitigation measure would result in neutral impact and could be controlled by condition.

All potential sources of flooding have been considered, with surface water runoff originating from the proposed development, due to increased areas of hardstanding, posing the greatest potential flood risk. The FCA concludes that the proposed development, together with the proposed flood risk management measures, would not be subject to an unacceptable level of risk, nor would there be potential increased flood risk elsewhere. As such, there would be neutral impact in this respect.

### *Ground Conditions*

The assessment within Chapter 11 of the ES, Ground Conditions, has considered the likely significant effects of the proposed development on the ground conditions, including agricultural land, soils, land contamination and ground instability receptors (for example human health). This assessment is based on risk assessments that consider whether the construction, operation or decommissioning of the proposed development could disturb areas of old contaminated ground, introduce new soil contamination, or cause gas to move out of the ground and affect human health. The study area includes the proposed development site and a 250m buffer area beyond the boundary, based upon the potential for contaminants to migrate from the site to off-site receptors through the soil or in groundwater, or to migrate onto the site through soil or in groundwater from offsite sources.

Several coal seam outcrops are shown beneath the application site but The Phase 1 Geo-environmental Desk Study did not identify potentially significant sources of contamination. Nevertheless, it is possible that localised areas of spoil could be present. Subsequently a range of environmental measures which relate to the ground

conditions are embedded as part of the design which would remove or reduce significant environmental effects as far as possible.

The above is considered to demonstrate that the construction, operation and decommissioning of the proposed development is not expected to result in any significant effects on the ground conditions, provided that all recommended mitigation measures identified in the ES and detailed further in the oCEMP are put in place, which could be controlled by condition. Therefore, a neutral impact would occur in this respect,

### *Secondary Consents*

Finally, if allowed, Members are advised that the proposed development would not require any secondary consents.

## **CONCLUSION**

While the site is located outside of any of WG's PAAs for large-scale wind energy development, FW2040 allows for such development outside of these areas providing the scheme complies with relevant planning policy.

It is considered the proposed development will have a negative impact on the landscape in visual terms and to the outlook of the closest residents, although it is accepted that this is a subjective issue.

In all other key respects such as residential amenity, highway safety and ecology it is considered appropriate mitigation can be implemented that would ensure there is no more than a neutral impact.

There are some issues that need further consideration and would currently result in a negative impact but could be overcome through submission of further details via condition.

FW2040 and PPW clearly offer strong support for the provision of renewable energy projects across Wales, as does RCT's own LDP; and it is clear from the national policy documents that there is a strong presumption in favour of such projects to the point where adverse impacts have to be particularly severe for a refusal of consent to be justified. Given that, the adverse impacts in this case which will likely be the key determining factors for the PEDW Inspector are considered to be mostly related to visual impact, which is subjective.

Having taken account of the above information report, it is advised Members offer no objections to the content of the LPA's LIR.

## **APPENDIX 'A'**

### **RHONDDA CYNON TAF CBC LOCAL IMPACT REPORT**

**PEDW REF.:** DNS/3280378

**RCTCBC REF.:** 22/1129/05

**APPLICANT:** Pennant Walters Ltd

**DEVELOPMENT:** Wind farm consisting of 7 turbines and associated access and grid connection infrastructure.

**LOCATION:** Land east of Trebanog and south-east of Glynfach, Rhondda Cynon Taf

**Town and Country Planning Act 1990 (as amended)**

**The Developments of National Significance (Wales) Regulations 2016 (as amended)**

**The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)**

#### **1. INTRODUCTION**

The below report forms the Local Planning Authority's (LPA - RCTCBC) Local Impact Report (LIR) in response to the above Development of National Significance (DNS) planning application. It has been set out in accordance with the headings advised in the relevant Welsh Government (WG) / Planning and Environment Decisions Wales (PEDW) guidance notes:

2. Local designations relevant to the site / surroundings and constraints
3. Planning history
4. Publicity
5. Relevant local planning policies, guidance and other documents
6. Likely impact of the DNS development on the area (in terms of its positive, neutral or negative effects)
7. Likely impact of any application in relation to a secondary consent being granted
8. Draft conditions / obligations the LPA considers necessary for mitigating any likely impacts of the development

It is requested the appointed PEDW Inspector take this report into consideration when determining the above DNS planning application.

#### **2. LOCAL DESIGNATIONS RELEVANT TO THE SITE / SURROUNDINGS AND CONSTRAINTS**

- The entire site lies within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA). Rhonda Cynon Taf Local Development Plan (LDP) Policy SSA23.6 refers.
- Elements of the site fall within the Trebanog Slopes and Mynydd y Glyn Sites of Importance for Nature Conservation (SINC). LDP Policies AW8.49 and AW8.120 refer.
- The site is partially located within the Rhondda Historic Landscape Area.

- The site is crossed by several high risk areas in respect of historic underground coal mining.
- There are areas of potentially contaminated land on site.
- The entire site is a Sandstone Resource Area. LDP Policies CS10 and AW14.2 refer.
- The site is crossed by several Public Rights of Way (PRoW) - CYM/8/1, CYM/9/1, CYM/15/2, CYM/17/1, CYM/17/2, CYM/18/1, TRD/5/1, ANT/75/1, ANT/82/1, ANT/94/1, ANT/94/2, ANT/95/1, ANT/999/1.
- There are areas of high, medium and low surface water flood risk identified across the site, associated to the network of unnamed ordinary watercourses and drainage features.
- Areas of the Rhos Tonyrefail Site of Special Scientific Interest (SSSI) are located directly to the south.

### **3. PLANNING HISTORY**

Three previous planning applications have been submitted at the site that are of relevance to this DNS application, each submitted by the current Applicant:

23/5003/41 – Pre-application enquiry re: DNS 7 turbine wind farm.

Decision: No objection in principle, but some concern raised in visual terms, 23/03/23

22/0493/10 – Installation of 90m high anemometer mast for a temporary period of up to 3 years. A single structure with supporting steel guy wire ropes connected to ground anchors at 25m and 50m from mast.

Decision: Granted, 05/08/22

21/1312/36 – EIA scoping opinion for 7 wind turbines.

Decision: EIA required. While general methodology and scope appears appropriate, some further information is suggested, 17/11/21

The Inspector is also advised that a further, fourth, application was submitted at the site in 2014 but it is not considered relevant to the determination of this application:

14/1558/10 – The erection of a meteorological mast with an operational life of three years and a maximum height of 70m.

Decision: Granted, 24/03/15.

(This permission was not implemented and has lapsed.)

### **4. PUBLICITY**

In accordance with the relevant Regulations, the LPA erected 22 site notices (in both English and Welsh) on and around the site and at appropriate locations within the wider areas affected. A copy of the site notice, a photograph of the site notice on display at the site and a map showing the locations of the site notices are attached at Appendix 'i'.

### **5. RELEVANT LOCAL PLANNING POLICIES, GUIDANCE AND OTHER DOCUMENTS**

The LPA notes the policies identified by the Applicant in relation to Planning Policy Wales 11 and Future Wales: The National Plan 2040 in their supporting documentation and accepts that they are relevant in the consideration of this proposal. The following policies are those that are considered relevant in the local sense only:

#### *Rhondda Cynon Local Development Plan 2011 – 2021*

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

The application site lies outside of any settlement boundary; is within both the Northern and Southern Strategy Areas, the Mynydd y Glyn and Nant Muchudd Basin SLA, the Trebanog Slopes and Mynydd y Glyn SINC, and a Sandstone Resources Area.

#### *Core Policies*

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.  
Policy CS2 – sets out the criteria for development in the Southern Strategy Area.  
Policy CS10 – sets out the criteria for the protection of mineral resources.

#### *Area Wide Policies*

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 placemaking, including landscaping.

Policy AW7 – sets out criteria for development proposals that would impact upon built heritage assets and PRowS.

Policy AW8 – sets out 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 AW12 – sets out criteria for renewable and non-renewable energy proposals.

Policy AW13 – supports large scale wind farm development, subject to relevant criteria and where it can be demonstrated there would be no unacceptable effects.

Policy AW14 – safeguards minerals from development that would sterilise them or hinder their extraction.

### *Southern Strategy Area Policies*

Policy SSA23 – advises that development within SLAs will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

For full details please see [RCT adopted Local Development Plan 2011 – 2021](#).

### *Supplementary Planning Guidance*

- Design and Placemaking
- The Historic Built Environment
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking
- Employment Skills

For Full details please see [RCT adopted Supplementary Planning Guidance](#).

## **6. LIKELY IMPACT OF THE DNS DEVELOPMENT ON THE AREA (IN TERMS OF ITS POSITIVE, NEUTRAL OR NEGATIVE EFFECTS)**

### *Location of Development Site*

The application site forms the summit and upper slopes of Mynydd-y-Glyn mountain, extending to a total area of approximately 182ha. It is located approximately 1km east of Trebanog, approximately 600m south-east of Cymmer/Glynfach/Porth, and approximately 1km north of Tonyrefail. The site is absent of distinct field boundaries and tree cover resulting in it being open and exposed. It is generally comprised of improved and semi-improved grassland used for grazing. There is no built development within the site other than an associated anemometer mast and double pole pylons which support an overhead electricity transmission line which traverses the site. Access is currently gained from various farm tracks throughout.

Constraints that have the potential to affect the site / proposed development are listed above in Section 2 of the Report.

### *Key Issues*

- Development of a Large Scale On-shore Wind Farm Outside of any Welsh Government Pre-Assessed Area (as set out in Future Wales: The National Plan 2040)
- Landscape and Visual Impact
- Ecology and Nature Conservation
- Traffic and Transport
- Neighbour Amenity (including noise, shadow flicker, glint and glare)
- Cumulative Effects

### *Other Issues*

- Drainage and Flooding
- The Historic Environment
- Ground Conditions
- Aviation and Telecommunications
- Socio-economics

### *Key Issues*

#### *Development of a Large Scale On-shore Wind Farm Outside of any Welsh Government Pre-Assessed Area (as set out in Future Wales: The National Plan 2040)*

Future Wales: The National Plan 2040 (FW2040) identifies 10 Pre-Assessed Areas (PAA) for wind energy – areas where WG has already modelled the likely impact of wind energy development on the landscape in these locations and has found them to be capable of accommodating such development in an acceptable way. This application site is however located outside of any PAA, but it is acknowledged that FW2040 does allow for wind energy development outside of the PAAs providing the proposal complies with each of the criteria set out in Policy 18, as well as any other relevant national and local planning policy.

It is also noted that Policy 18 establishes WG's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales' international commitments and the target to meet 70% of consumed electricity by 2030.

In this case, despite being outside of any PAA, the LPA notes that the proposed development would reduce reliance on traditional forms of energy generation, helping to reduce the Country's overall carbon footprint and go some way help meet WG's renewable energy targets.

Subsequently, despite the site's location outside of any PPA, the LPA is of the view that the proposed development would result in a positive impact in general terms.

### *Landscape and Visual Impact*

The Environmental Statement (ES) contains a full Landscape and Visual Impact Assessment (LVIA). The Inspector is invited to consider the effects of the proposal on:

- Landscape character areas that will be affected (refer to Landmap).
- Views from highways, particularly those close to the site and main arterial routes in the area; notably the A4119, A4233, A470.
- Views from the PRow's that traverse the site and others outside of the site from which the development would be visible.
- Views from nearby buildings and dwellings in the closest residential areas and those nearby dwellings scattered throughout the immediate countryside.
- Impacts on the settings of local Listed Buildings and Scheduled Ancient Monuments within the influencing distance of the site.

- Impacts on the SLA the site is located within, and those nearby.
- Cumulative effects in the context that the development would be located in close proximity of several existing wind farm developments and several proposed schemes nearby.

The LVIA sets out that there would be no direct impacts on Bannau Brycheiniog National Park (BBNP) or any Areas of Outstanding Natural Beauty. It does highlight however that the development would result in “major” and “significant” impacts upon the host Mynydd y Glyn and Nant Muchudd Basin SLA, and also “significant” impacts upon the neighbouring Llwynceilyn Slopes and Cwm Clydach SLAs.

The LPA agrees with the Assessment that there would undoubtedly be significant visual impacts as a result of the proposed turbines, both to the host SLA and SLAs further afield, as well views from many surrounding countryside locations and urban settlements both within the County Borough and beyond.

With regard the potential grid connection, the LPA consider an overhead line on wooden poles and an underground connection would be too small in scale to give rise to any significant effects on landscape or visual receptors.

Noting the assessment set out in the LVIA, overall, the LPA is of the view that the proposed development would result in a negative visual impact.

### *Ecology and Nature Conservation*

The ES contains two full chapters on ecology and nature conservation, Chapter 8: Biodiversity and Chapter 9: Ornithology. The Inspector is invited to consider the effects of the proposals on:

- The impact of the proposed development on the SINC's within the site.
- The impact of the proposed development on the adjacent SSSI.
- The impact of any habitat loss and the level ascribed to it by the ES.
- The impact of the proposals on fauna through the lifetime of the proposed development.
- The impact of the proposals on flora through the lifetime of the development.
- The impact of the proposals on the peat bog within the site through the lifetime of the development.
- Cumulative effects in the context that the development would be located in close proximity of several existing wind farm developments and several proposed schemes nearby.

ES Chapters 8 and 9 examine the likely effects on internationally designated sites and features noting that there are two statutory designated biodiversity sites of international importance located within 10km of the site boundary, Blackmill Woodlands SAC and Cardiff Beach Woodlands SAC; and two internationally designated sites for their ornithological value within 20km of the site, the Severn Estuary Special Protection Area and Severn Estuary Ramsar Site.

Given the distance from the application site and the qualifying features it is concluded that significant effects arising from the proposed development could not occur to these



sites. The LPA considered this conclusion reasonable and that a neutral impact upon these sites would occur.

Chapter 8 also considers the impacts on nationally protected habitats and sites. Two statutory designated biodiversity sites of national importance were identified within 2km, the Nant Gelliwion Woodland Site of Special Scientific Interest (SSSI) and the Rhos Tonyrefail SSSI. Of the two sites only the Rhos Tonyrefail SSSI is taken forward for assessment within the Chapter given the separation distance between the application site and the Gelliwion Woodland SSSI.

The Rhos Tonyrefail SSSI is located outside the application site so would not be subject to direct land take or encroachment effects but would be very close by at approximately 25m to the south of the proposed access track. The SSSI is of special interest for its marshy grassland, acid flush, species-rich neutral grassland, acid grassland, wet heath and blanket mire. These habitats are associated with areas of woodland. The site is also of special interest for its population of marsh fritillary butterfly.

The ES states that although the principal access track leading to the proposed wind farm would be only 25m from the SSSI at its closest distance, it would not affect the habitats which comprise the SSSI themselves. In addition, the applicant has undertaken surveys for marsh fritillary butterflies and neither the butterflies nor their host plant, devils bit scabious, have been identified on land subject to temporary or permanent disturbance.

The ES also states that while there would be no direct effects on the Rhos Tonyrefail SSSI, embedded measures are proposed which would ensure that indirect effects would be prevented or appropriately managed.

The Chapter subsequently concludes that the proposed development would have no effect on the integrity or conservation status of the Rhos Tonyrefail SSSI, and any potential impacts are considered "*not significant*".

While the content of the ES is noted, the Council's Ecologist considers there could be a negative impact upon the SSSI if the development is not taken forward in accordance with the relevant ecology mitigation and enhancement measures set out in the ES and supporting documents; and that further information in these respects, especially during construction would be required. But providing appropriate mitigation/enhancement measures are implemented, the scheme would result in a neutral or potentially positive impact. This can be adequately controlled by condition.

With respect to the application site itself, the ES notes that there would be limited permanent loss of common and widespread wet heath/acid grassland and grazed semi-improved acid grassland; and the compensation and enhancement measures detailed within the outline Habitat Management Plan (oHMP) will improve the ecological value of retained areas of the SINC. Therefore, the integrity or conservation status of the Mynydd y Glyn SINC would be maintained. Additionally, to ensure the proposed development provides a net benefit to ecology, the area of the Trebanog Slopes SINC within the site will be subject to habitat enhancement measures including

bracken reduction as part of wider measures to provide marsh fritillary butterfly habitat (as detailed within the oHMP).

While these comments are noted, the Council's Ecologist considers there could be a negative impact upon the SINC's if the development is not taken forward in accordance with the relevant ecology mitigation and enhancement measures set out in the ES and supporting documents; and that further information in these respects, especially during construction would be required. But providing appropriate mitigation/enhancement measures are implemented, the scheme would result in a neutral or potentially positive impact. This can be adequately controlled by condition.

Noting the above, providing appropriate ecology/biodiversity measures are included with any permission, the LPA considers a neutral/positive impact would occur in ecology and nature conservation terms.

#### *Traffic and Transport*

There is the potential for negative impacts during the construction and decommissioning phases of the development due to increased usage of local roads. But these impacts can be mitigated by condition. Impacts on the highways during the operational phase of the development are likely to be neutral.

There is a clear risk of damage to the fabric of the road network through concentrated HGV arrivals/departures over the limited period of time that construction and decommissioning of the proposed development would take. This is a negative impact but could be mitigated to a neutral level through the application of appropriate conditions.

#### *Neighbour Amenity (including noise, shadow flicker, glint and glare)*

ES Chapter 6: LVIA assesses the likely visual impacts of the proposed development. The Assessment finds that there will likely be significant visual effects on a range of residential receptors.

The application site is located on high ground with a number of relatively small, often linear settlements in the valleys which bound it. It is commented that several urban settlements and many residential properties scattered throughout the surrounding countryside would experience significant visual effects during the operational phase, depending upon local topography, screening and orientation.

The attractiveness or not of wind turbines/farms is subjective, and wind turbines/farms by their very nature create visual effects, so the role of the decision maker is to consider the extent to which these effects outweigh the positive benefits of the project such that the application could be considered unacceptable. Recognition should also be given to the fact that while formal assessment commonly considers views of wind turbines to be negative, the experience of the individual may often be more nuanced.

With the above in mind, overall, the erection of 7no. 155m high wind turbines in such a prominent, undeveloped location is likely to generally result in a negative impact on the visual amenities of residents in the surrounding areas.

ES Chapter 15: Shadow Flicker assesses the likely impacts by way of shadow flicker. 24 receptors comprising the closest individual properties or groups of properties have been identified as having the potential to experience shadow flicker for which modelling was undertaken. The modelling demonstrated that shadow flicker could significantly affect 10 of these receptors with a further 14 experiencing non-significant effects.

While this will inevitably have a negative impact upon those residents effected, shadow flicker can be resolved using standard mitigation measures. Subsequently, providing such mitigation is implemented, it is likely there would be neutral impact from shadow flicker. This can be controlled by condition.

ES Chapter 13: Noise assesses potential noise impacts. The noise assessment reported within the Chapter concludes that there is the potential for a significant effect at 3 neighbouring properties, but the exceedance of the relevant guidelines would be in the daytime only. As such, while this will inevitably have a negative impact upon those residents effected, it is generally considered there would be neutral impact in respect of potential noise.

Impacts on air quality were scoped out of the EIA as the type of development proposed would not impact upon air quality. It is noted however that in a global sense air quality could improve as a result of the development as over the lifetime of the facility it would offset greenhouse gas emissions that would arise if the electricity were generated via traditional means.

### *Cumulative Effects*

ES Chapter 17: Inter-related cumulative effects considers whether any of the individual environmental topic effects resulting from the proposed development could combine to create effects that are significant, on common receptors between technical topics. The assessment focused on those receptors where significant effects have been predicted in respect of at least two or more topics and/or where the technical assessments have shown that potential individual effects are nearing the thresholds of established national criteria.

The most likely types of receptors where topic effects are likely to combine are those pertaining to the amenity of the relevant human population, e.g. noise, visual, shadow flicker and traffic. Consideration has also been given to the potential for cumulative effects on other environmental receptors.

The Chapter concludes that there would be no inter-related cumulative effects which LPA generally concurs with. As such there would be neutral impact in this regard. In respect of the cumulative impact between this proposed DNS and other similar schemes both nearby and in the wider area, the LVIA assesses cumulative landscape effects which is concerned with the evaluation of the effects that could be generated were the proposed development to become operational along with some or all of the other wind energy developments that are either already operational, have been consented or are proposed – planning applications or scoping opinions within an extended 28km radius cumulative study area. The focus of the assessment is to

identify which, if any, of the landscape or visual receptors that would not experience significant effects as a result of the introduction of the proposed development alone, may experience significant effects as a result of the incremental contribution of the proposed development. The LVIA assesses the effects under two scenarios:

- Scenario One includes other operational (and under construction) and consented wind energy developments.
- Scenario Two includes proposed wind energy developments (subject of a formal planning application or EIA Scoping Opinion).

Under both Scenarios, for both landscape and visual effects, the LVIA concludes that effects would not be significant. This includes for cumulative effects upon the BBNP. In summary, the reason for this lack of significant impacts is either the distance between schemes and/or the nature of topography with most settlements and communication routes (in the case of visual effects) being in the valley floors with limited views across the wider study area.

While these comments are noted, the LPA does not consider that this is accurate conclusion. There are several existing, operational wind turbine developments in relatively close proximity of the site, and several consented schemes within RCT and the surrounding Counties that are yet to be constructed. There are also at least two other DNS applications nearby that are currently with PEDW at pre-application or validation stage which could potentially come forward, Twyn Hywel (14no. 200m high turbines between Pontypridd and Caerphilly) and Mynydd y Gaer (13no. 180m high turbines between Bridgend and Gilfach Goch). As such, the LPA consider the proposed development, when taken in the context of the existing operational turbines, consented and proposed schemes nearby, would have a negative visual impact in cumulative terms, albeit it is accepted that in reality not all of these wind energy developments may come forward.

#### *Other Issues*

Though not considered to be key determinants in this case, the following comments are issued in respect of the subject headings for the consideration of the appointed Inspector.

#### *Drainage and Flooding*

The vast majority of the application site is flood free under all circumstances other than where a number of minor watercourses traverse the site. These are recognised as having the potential for low, medium and high overland flow flooding in periods of wet weather. The LPA takes the view that the introduction of wind turbines on the site has the potential to alter the nature of run off from the site, however, with appropriate management and mitigation the impact of this can be reduced to a neutral scenario.

The LPA also note that it is unlikely the introduction of wind turbines to the site would result in a reduction in water quality, subject to appropriate mitigation.

It is subsequently considered there would be neutral impact in this regard.

### *The Historic Environment*

Chapter 7 of the ES, Historic Environment, identifies the location of historic assets recording that there are no listed buildings or scheduled monuments on site. The closest listed building is approximately 800m from the site boundary and scheduled monument some 1.3km away. As such, the ES concludes that the proposed development would not result in significant effects on built heritage assets.

The Chapter also concludes that the proposed development would not result in any significant effects upon undesignated heritage assets such as post-medieval cairns and stone field boundaries, nor would it have a significant effect arising from the potential for the disturbance of archaeological remains.

Assessments of significance take into account both construction and operational effects and result in part from an absence of features within and close to the site and the design of the proposed development which has sought to avoid locations of non-designated assets which have been identified as part of the baseline assessment. It is also noted that direct effects on existing known archaeology will be mitigated through archaeological recording such as an excavation or watching briefs in any areas of impact. Finally, standing and sub-surface archaeology in the form of the Trig Pillar and Hafod Rhiwgarn would be protected by temporary fencing during construction.

This assessment is considered appropriate and exact methods of recording / protection could be secured through condition, resulting in a neutral impact in these respects.

The Inspector is advised however that the northern element of the site is located within the Rhondda Special Historic Landscape Area (SHLA). This designation has been given for the dramatic landscape of upland plateau incised by the two narrow, steep sided river valleys which interact with the layers of human influences, creating a place that is locally distinctive.

The LPA note that the erection of any large scale development in this area will undoubtedly result in a negative impact upon the SHLA, especially when the cumulative impact of the surrounding, existing wind farms and those proposed nearby are taken into account. This is a point the Inspector is also asked to consider when assessing the visual impact of the scheme.

### *Ground Conditions*

ES Chapter 11: Ground Conditions advises the land subject to the proposed development is classified as Agricultural Land Classification Grade 4 (poor quality land) or lower. No land that is classed as the best and most versatile (Grades 1, 2, 3a) would therefore be lost to the development.

The total temporary displacement or permanent loss of soil is expected to be around 7.54ha, with permanent loss of 6.8ha, which is not assessed as significant. Embedded measures will ensure that soil is reused on site where possible and low ground pressure machinery will be used where possible to minimise soil compaction.

A peat survey has been undertaken (ES Appendix 11A Annex C). Measures embedded in the detailed design of the proposed development seek to avoid peat in accordance with the peat hierarchy (based on information from the peat survey). For areas not surveyed to date (limited to the underground grid connection corridor) it is anticipated that peat can be avoided through design. Excavation and permanent loss of peat will therefore be avoided and significant effects on peat due to the loss of peat as waste will be avoided.

All construction activities will be informed by a Construction Environmental Management Plan (CEMP) which could be secured by condition. The CEMP would include measures to manage (inter-alia) waste during construction. No materials will be generated or removed from site during operation of the windfarm.

It is therefore considered the scheme would result in a neutral impact in this regard.

#### *Aviation and Telecommunications*

With regards to electromagnetic disturbance, ES Chapter 14: Aviation and Telecommunications identifies that degradation of microwave and other electromagnetic signals is possible as a result of consultation with stakeholders. However, discussions are ongoing to agree a technical approach which would likely result in a condition to any consent which would require the Applicant to address any localised interference issues arising during operation.

With no scheme to overcome the issue being produced to date, this would be considered a negative impact.

Chapter 14 of the ES, Aviation and Telecommunications, explores the likely effects on aviation and telecommunications. With regard to military aviation and radar the independent aviation consultant appointed by the Applicant to consider such matters concluded that there would be no Ministry of Defence (MoD) Air Traffic Control, Air Defence or Met Office radar affected and the site's location is a 'Green' area where MoD low flying objects are extremely unlikely.

Take the above into account, the LPA consider there would be a neutral impact in this regard.

Whilst accepting that the criterion does not reference civilian aviation consultation, NATS has indicated that the proposed development could have an unacceptable impact upon operations at Cardiff Airport. However, a review undertaken by the Applicant's aviation consultant has suggested that mitigation options are available and that further discussions are underway with NATs/Cardiff Airport to agree these which could be the subject of a planning condition.

Without a solution presented to date, the LPA would consider this issue a negative impact.

#### *Socio-economics*

ES Chapter 16: People and Business (Socio-economics) considers the likely significant effects of the proposed development on tourism, recreational and economic receptors at both the construction and operational stages.

The proposed development is for a windfarm to provide 30MW. Output of 24.2MW would provide enough electricity to power around 15,376 homes. The installation of 24.2 MW represents a significant contribution to the installed capacity within RCTCBC and would contribute to the achievement of the WG's target for 70% of energy consumption to be provided by renewable sources by 2030 and the target for local ownership of renewable energy generation in Wales.

There would be a positive contribution to the Welsh economy with potential investment of £9.6m during the construction phase. Much of this spend would take place in the region. Employment of around 41 full time equivalent (FTE) staff would be expected in the construction phase, with an expected ongoing employment of around 4 FTE.

The development would result in an expenditure of around £709,931 into the Welsh economy.

There is potential for boosts to RCTCBC funds from redistribution of increased business rate funds via the redistribution of funds by WG.

Noting the above, there would be a positive impact in economic terms.

There would be some impact on the existing PRow footpaths that cross the site as some would require permanent amendments with new permissive routes across the access road. Access land will remain open with no fencing etc. blocking access to the site. The embedded environmental measures would ensure that the user experience is not significantly impacted.

There would be some visual impacts on some locations of existing recreational receptors including long distance footpaths, national cycle routes and golf courses. However, overall, given that studies suggest wind turbines do not dissuade visitors, no significant effects on tourism are envisaged.

Noting the above, the LPA considers there would be a natural impact in these respects.

## **7. LIKELY IMPACT OF ANY APPLICATION IN REALTION TO A SECONDARY CONSENT BEING GRANTED**

The proposed DNS would not require any secondary consents.

## **8. DRAFT CONDITONS / OBLIGATIONS THE LPA CONSIDERS NECESSARY FOR MITIGATING ANY LIKELY IPACYS OF THE DEVELOPMENT**

Should the appointed Inspector be minded to grant planning permission, the LPA suggest the following conditions would be appropriate:

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 shall be carried out in accordance with the following plans and documents:

- Location Map – 42864-WOOD-XX-XX-FG-J-0011\_S0\_P01.1 (August 2022)
- Environmental Statement and Appendices (Volumes 1-4) (WSP UK Ltd, April 2023)

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

3. The development hereby approved shall endure for a period of 30 years from the date when electricity is first exported from any wind turbine within the site to the electricity grid network ('First Export Date'). The developer shall notify the Local Planning Authority in writing of the First Export Date within 28 days of the First Export Date.

Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include, but not be limited to:

- The removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm.
- Confirmation of the management and timing of works.
- A traffic management plan to fully address highway safety issues during the period of the decommissioning works.
- Any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning scheme shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure the impacts of the development exist only for the lifetime of the development, in accordance Policies CS1, CS2, AW5, AW6, AW7, AW8, AW10, AW12, AW13, AW14 and SSA23 of the Rhondda Cynon Taf Local Development Plan, Policies 17 and 18 of Future Wales: The National Plan 204 and the relevant guidance set out in Planning Policy Wales.

4. No development shall commence until details of the make, design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and agreed in writing by the Local Planning Authority. All materials used shall conform to the details so approved.



Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

5. All wind turbines shall be of a 3 bladed configuration, shall not exceed an overall height of 155m to the tips of the turbine blades, and shall rotate in the same direction. The turbines shall not display any prominent name, logo, symbol, sign or advertisement on any external surface. The turbines shall not be illuminated and there shall be no permanent illumination on the site.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

6. All electricity and control cables within the site shall be laid underground and alongside tracks which are constructed on the site as part of the development.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

7. In the event that any turbine does not function (i.e. does not supply electricity to the electricity grid network) for a continuous period of 12 months and if so instructed by the Local planning Authority, the wind turbine and its associated ancillary equipment shall be dismantled and its base removed to a depth of 1 metre below ground level, and removed from site within a period of 6 months from the end of that period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the turbines are not obsolete, produce electricity whilst in-situ and are removed from the site if they cease to function, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until a Construction Method Statement (CMS), describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved Statement. The Statement shall include provisions relating to, but not be limited to:

- The construction period and sequence of development works.
- Pollution control (including fuel, oil, concrete and chemical storage).
- Constructional Noise Management Plan.
- Environmental Management.
- Details of location of temporary storage compounds.

- Details of track construction and laying of cables and measures to be implemented to ensure that there are no polluting discharges from tracks and disturbed areas.
- Provision of any temporary fencing.
- Details of excavation of turbine bases and of the nature, type and quantity of material required to be imported onto the site for backfilling operations.
- The management of ground and surface water.
- The management of foul water.
- The monitoring of private water abstractions.
- Details of any soil storage and spreading.
- The provision of any means of temporary site illumination.

Reason: To protect the water environment and minimise environmental impact in the vicinity of the application site in accordance with Policies AW5, AW6, AW8, AW10, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence until details of the means of access to include permanent surfacing for the first 20m off the public highway and timing of works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure mud and debris are not tracked onto the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence until a report indicating a methodology for undertaking a conditions survey of local roads that could be affected by the proposed development has been submitted to and approved in writing by the Local Planning Authority. The report should include, but not be limited to:

- Details of the roads to be surveyed.
- Timescales for undertaking the surveys and the methods of reporting the findings to the Local Planning Authority.  
(Including comprehensive photographs and potential compensation arrangements.)

The development shall not be brought into beneficial use 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. Any compensation arrangements shall be carried out in accordance with the approved details.

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

11. No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. Any temporary mitigation measures affecting any public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development. The TMP shall include, but not be limited to, the following:
- Detailed swept path analysis including mitigation measures and use of potential third party land.
  - Traffic management during transportation of abnormal loads.
  - Traffic management during construction.
  - Structures (over bridges height, width, weight restrictions).
  - Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales).
  - Dry run to be witnessed by the Highway Authority and Police.
  - Temporary Traffic Regulation Orders where residents displaced parking would take place without impacting on free flow of traffic and highway safety.
  - Emergency contingencies.

The development shall be carried out in accordance with the approved TMP, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure safe and satisfactory delivery of all components in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until a scheme for the protection of Public Rights of Way during works of construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to:
- Provision to ensure that Public Rights of Way are maintained with no obstruction to use.
  - Measures to prevent any damage to Public Rights of Way from constructional activity at the site.

The development shall be carried out in accordance with the approved scheme, unless otherwise agreed by the Local Planning Authority.

Reason: In the interest of public safety in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall commence until a final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The final CEMP shall provide details of, but not be limited to:

- Soil Management: details of topsoil strip, storage, and amelioration for re-use.
- Construction methods: how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

Reason: In the interests of biodiversity, in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. No development shall commence until a final Habitat Management Plan (HMP) has been submitted to and approved in writing by the Local Planning Authority. The HMP should take account of the recommendations set out in the Environmental Statement and Appendices (April 2023) and include ground restoration details. The HMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity, in accordance Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence until a Wildlife Protection Plan for Construction (WPPC) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to:
- An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented.
  - Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.
  - A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
  - Persons responsible for:

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

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

Reason: In the interests of biodiversity, in accordance Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place until a Hydrological Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of measures to reduce the impacts of the development upon the peat and wetland habitats and the measures for maintenance of that mitigation during the operational life of the development. All works will be carried out in accordance with the approved details.

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

17. No development shall commence until a water quality monitoring plan for the protection of water quality in the watercourses on site has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include, but not be limited to:
  - Details and frequency of the monitoring methods.
  - Details of triggers for specific action and any necessary contingency actions, for example the need to stop work.
  - The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation and construction phases of
  - the development.

Reason: To protect water quality and ensure protection of the natural environment during construction and to ensure the protection of habitats and species in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

18. No development shall commence until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The turbines shall not be brought into beneficial use until the drainage arrangements have been completed in accordance with the approved details.

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

19. No development shall commence until the applicant, or their agents or successors in title, have secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved by the Local Planning Authority. Thereafter, the programme of work shall be carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works and in order to mitigate the impact of the works on the archaeological resource, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

20. At the reasonable request of the Local Planning Authority, following a complaint to it about shadow flicker from any wind turbine, the operator of the wind turbine shall, if required, shut down the turbine and at its own expense, employ a consultant approved by the Local Planning Authority to measure, assess and report to the Local Planning Authority the level of shadow flicker generated by the operation of the wind turbine at the property to which the complaint relates in a scheme to first be agreed with the Local Planning Authority. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

If the assessment requested by the Local Planning Authority demonstrates unacceptable levels of shadow flicker, the operator of the turbine shall take immediate steps to provide mitigation to ensure that the impacts are reduced to an acceptable level. The operator shall provide written confirmation of that scheme of mitigation and a timescale for its implementation, to the Local Planning Authority within a time period to first be agreed with the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

21. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the relevant guidance notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the relevant sections of the Environmental Statement (April 2023) at the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent. For the purpose of this condition, curtilage is defined as 'the boundary of a lawfully existing domestic garden area'.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

22. At the reasonable request of the Local Planning Authority, following a complaint to it about noise emissions from the wind turbines, the wind turbine operator shall, if required, shut down the turbine and at their own expense, employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure and assess, and report to the Local Planning Authority the level of noise emissions from the wind turbine at the property to which the complaint relates in a scheme to first be agreed with the Local Planning Authority and in accordance with the relevant guidance notes. The assessment shall be commenced within 21 days of the notification and provided to the Local Planning Authority within 2 months of the date of the request, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

23. If the assessment (referred to in condition 22) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1)  $t=4*D$  seconds) where  $t$  = measurement time period in seconds (subject to a minimum period of 10 second)  $D$  = rotor diameter in metres.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

24. In the event that an alternative turbine to that contained in the submitted noise assessment (Chapter 13: Noise and Appendices of the Environmental Statement, April 2023) is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

25. Notwithstanding the provisions of conditions 21 – 24, the wind farm operator shall undertake measurements of noise levels using an appropriately qualified noise consultant during the first year of the operation of the wind turbines in a scheme to first be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 21 are being met. The data produced in accordance with the scheme shall be forwarded

to the Local Planning Authority within 28 days of the measurements being undertaken.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

26. Wind speed, wind direction and power generation data for the wind turbines shall be continuously logged by the wind farm operator in accordance with the relevant guidance and provided to the Local Planning Authority at its request and in accordance with the relevant guidance within 28 days of any such request. This data shall be retained for a period of not less than 24 months.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.



## APPENDIX 'i' – EVIDENCE OF PUBLICITY

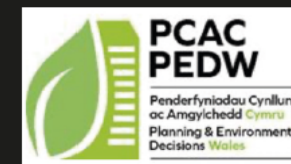
### Copy of site notice

#### HYSBYSIAD STATUDOL

I gael copi print bras o'r Hysbysiad hwn ffonwch  
03000 604 400 neu ebostiwrch  
PEDW.Seilwaith@llyw.cymru

#### STATUTORY NOTICE

For a large print copy of this Notice contact  
03000 604 400 or email  
PEDW.infrastructure@gov.wales



#### **Deddf Cynllunio Gwlad a Thref 1990 (Fel y'i Diwygiwyd) Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016**

#### **Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016**

Hysbysir drwy hyn bod Pennant Walters Ltd wedi cyflwyno cais ar gyfer Datblygiad o Arwyddocâd Cenedlaethol i Weinidogion Cymru ar gyfer: Fferm wynt yn cynnwys 7 tyrbîn ac isadeiledd mynediad cysylltiedig a chysylltiad grid.

Mae'r safle wedi'i leoli ar 1km i'r dwyrain o Drebanog a 600m i'r de-ddwyrain o Lyn-fach yn Rhondda Cynon Taf.

Mae aelodau'r cyhoedd yn gallu gweld dogfennau'r cais ar-lein yn <https://planningcasework.service.gov.wales/cy> chwilich am '3280378'.

Mae'r amserlen ar gyfer cyflwyno tystiolaeth wedi dechrau a gall personau â buddiant gyflwyno sylwadau i'r Arolygiaeth Gynllunio ar ran Gweinidogion Cymru (mae'r manylion isod) erbyn 28/06/2023. Bydd yr holl sylwadau'n cael eu cyhoeddi ar wefan y Porth Gwaith Achos Apeliadau cyn gynted ag y bydd y dyddiad cau wedi mynd heibio.

Gellir dod o hyd i ragor o wybodaeth am y broses Datblygiadau o Arwyddocâd Cenedlaethol, gan gynnwys canllawiau ar gyfer cymunedau, yn: <https://gov.wales/developments-national-significance-dns-guidance>

Isabel Nethell, Pennaeth Gwasanaeth

Penderfyniadau Cynllunio ac Amgylchedd Cymru, Adeilad y Goron,  
Parc Cathays, Caerdydd, CF10 3NQ

03000 252 245

PEDW.Infrastructure@gov.wales

Dyddiad 24.5.2023

#### **Town and Country Planning Act 1990 (As Amended) The Developments of National Significance (Procedure) (Wales) Order 2016**

#### **The Developments of National Significance (Wales) Regulations 2016**

Notice is hereby given that Pennant Walters Ltd has submitted an application for a Development of National Significance (DNS) to the Welsh Ministers for: Wind farm consisting of 7 turbines and associated access and grid connection infrastructure.

The site is located 1km east of Trebanog and 600m south east of Glynfach in Rhondda Cynon Taf.

Members of the public can view the application documents online at <https://www.gov.wales/appeal-or-search-planning-decision-or-notice> and search for '3280378'.

The timetable for the submission of evidence has begun and interested persons may submit representations to Planning Environment and Decisions Wales on behalf of the Welsh Ministers (details below) by 28/6/2023. All representations will be published to the DNS website as soon as the deadline has passed.

More information on the DNS process, including a guide for communities can be found at: <https://gov.wales/developments-national-significance-dns-guidance>

Isabel Nethell, Head of Operations

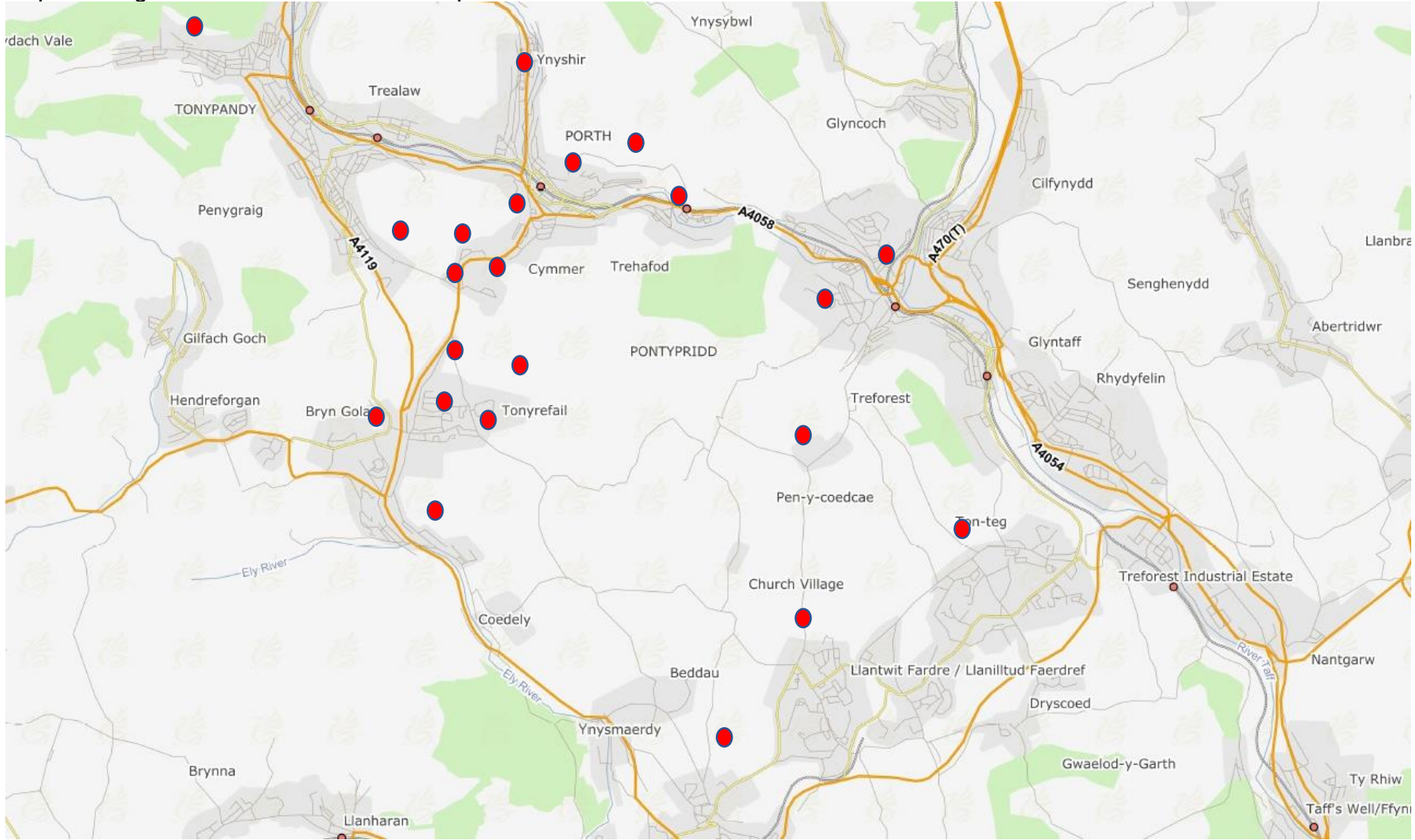
Planning and Environment Decisions Wales, Crown Buildings,  
Cathays Park, Cardiff, CF10 3NQ

03000 252 245

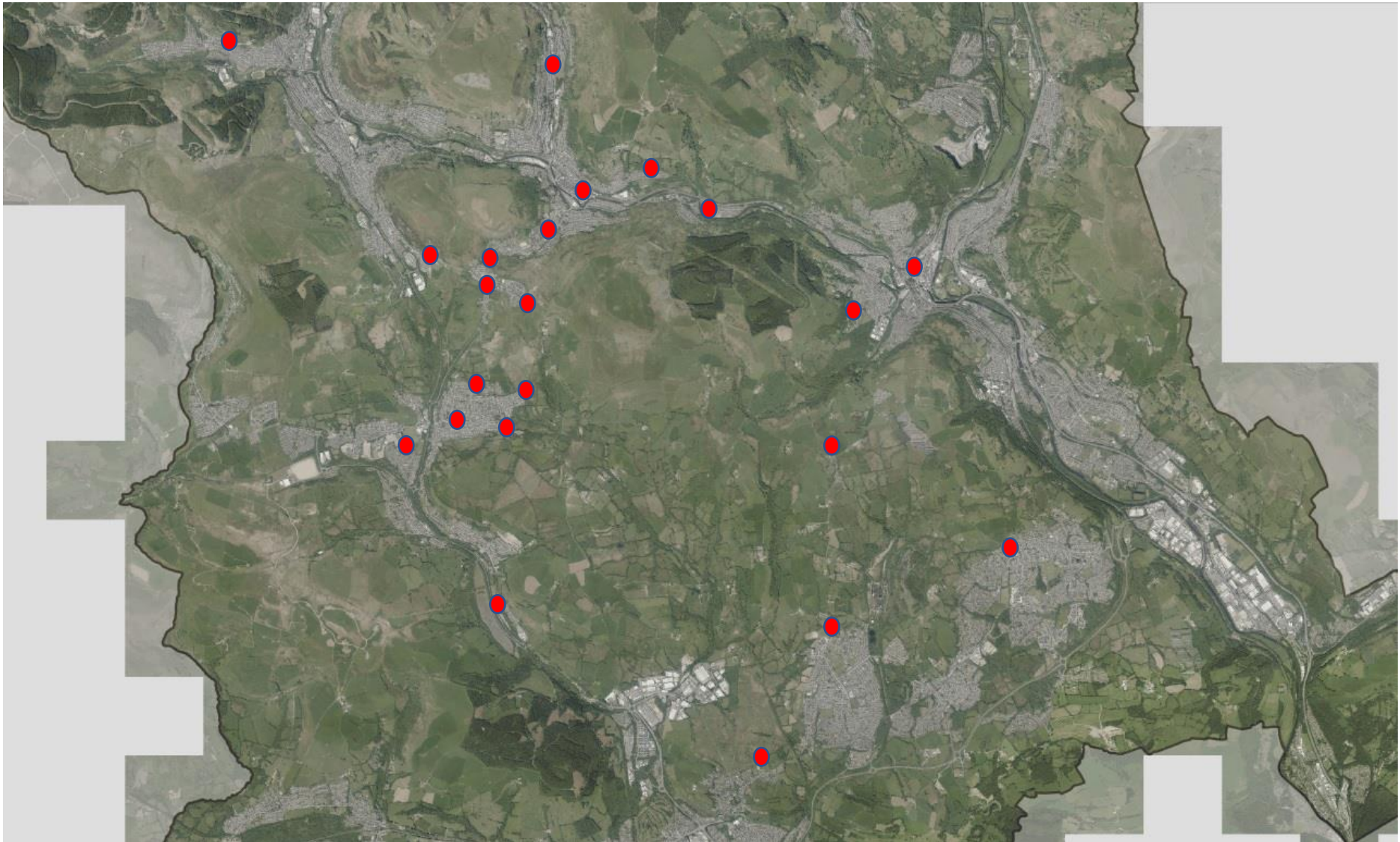
PEDW.Infrastructure@gov.wales

Date: 24.5.2023

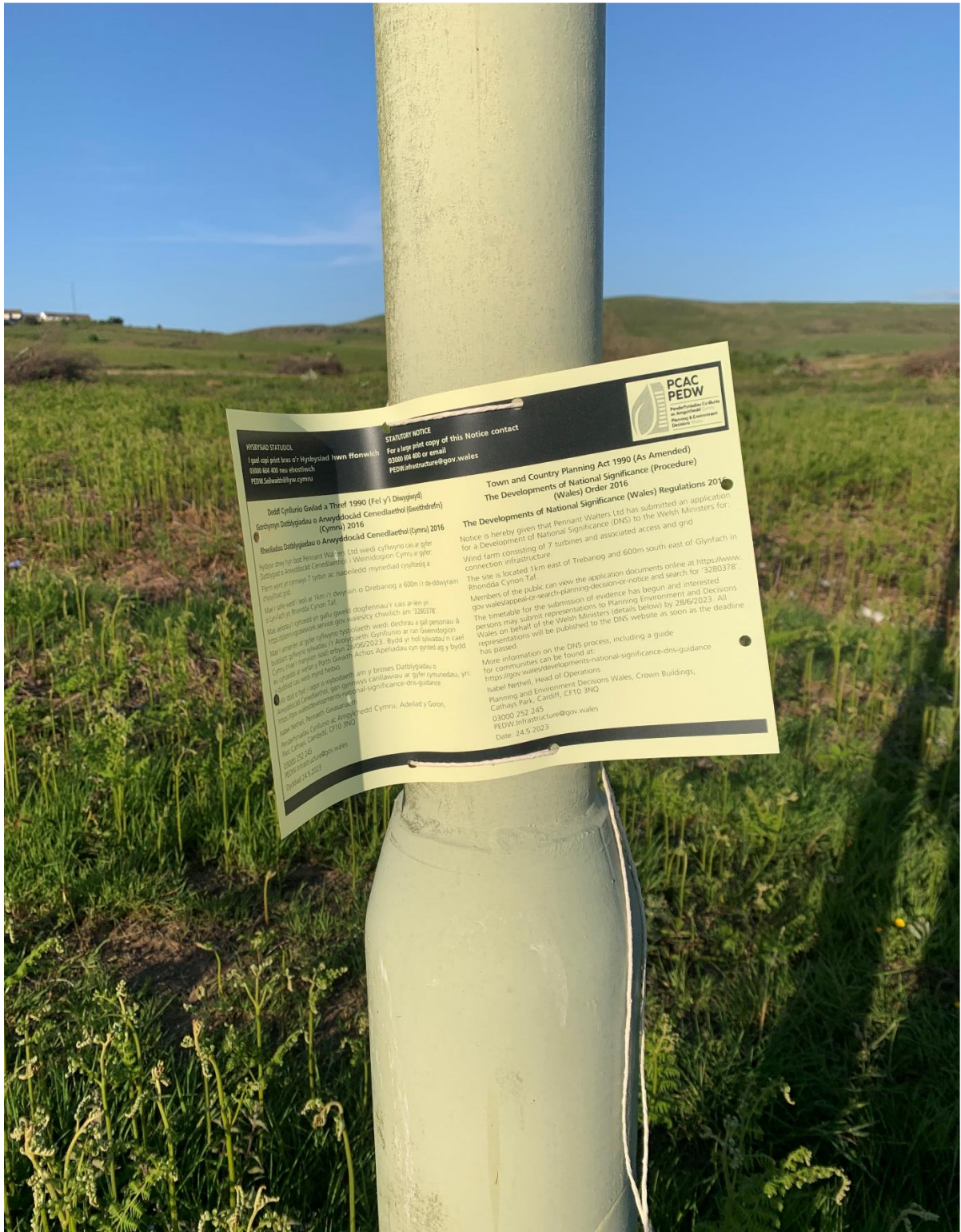
Map showing locations of 22x site notices posted



*Aerial view showing locations of 22x site notices posted*



Photograph of site notice posted at site



## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1443/10 (HB)  
**APPLICANT:** Miss R Bailey  
**DEVELOPMENT:** Roller shutter doors  
**LOCATION:** LAND TO THE REAR OF 257, TREBANOG ROAD,  
TREBANOG, PORTH  
**DATE REGISTERED:** 03/03/2023  
**ELECTORAL DIVISION:** Cymer

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#### RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

**REASONS:** The erection of a roller shutter door within this rear lane location is considered an acceptable form of development that complies with the requirements of planning policy.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

#### APPLICATION DETAILS

Full retrospective planning permission is sought for the construction of the following at land to the rear of 257 Trebanog Road, Porth:

- Grey roller shutter doors to the front elevation of an existing domestic garage. The doors are 2.6m in height, 2.7m in width and 0.3m in depth. Due to the existing garage having a pitched roof from east to west the western edge of the doors are 0.3m above the existing ridge line.

#### SITE APPRAISAL

The site is an area of triangular land to the western side of number 20 Glanffrwd, Trebanog, and to the rear of 255 – 257 Trebanog Road with access off an unclassified track to the front via Glan Ffrwd Street to the east. To the rear are gardens of Ton Hywel at a higher ground level. The plot has a garage outbuilding in situ under planning reference 09/099/10 upon the east side, with a subservient garage structure with mono-pitched box profile sheeting and cement rendered walls directly adjacent to

the west elevation where the roller shutter doors subject to this planning application are sited. There are fenced boundary treatments to the front, side and rear elevations. Several properties within the vicinity benefit from rear garage structures and there are further detached structures to the west of the application site.

## **PLANNING HISTORY**

09/0099/10	Proposed erection of detached single garage. (Amended plans received 23/04/09 and new description)	Grated	05/06/2009
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. 4 objections have been received making the following comments (summarised):

- Loss of amenity space for children to play
- Drainage/ flooding impact
- Impact upon the character and appearance of the area
- Commercial use of the garage
- Pollution and disturbance

## **CONSULTATION**

Highways and Transportation Section: Raise no objection.

## **POLICY CONTEXT**

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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

The site is within a settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**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. In addition, 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. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

#### Supplementary Planning Guidance

1. Design and Placemaking
2. 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), 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.

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

1. Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

2. Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

Other national policy guidance considered:

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 development**

The application seeks retrospective planning permission for the erection of a roller shutter door to the front of an existing domestic garage structure. The general principle of such works is wholly acceptable.

#### **Impact on highway safety**

Following consultation, the Highways and Transportation section commented that the application relates to the installation of a roller shutter door only with the garage structure already in place. As such there would no impact upon highway safety and no objection is raised or conditions suggested.

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

In terms of visual amenity, the objectors have raised concerns regarding the impact the shutter has on the visual character of the area. The roller shutter doors are adjacent to an existing set of roller shutter doors of a similar scale and appearance at the adjoining garage. There is also a garage with roller shutter doors opposite and several further examples of detached garages with roller shutter doors to the west of the site. As such, this type of development is typical of the area. Therefore, given the relatively minor scale of the structure and many examples of similar developments in the immediate area, it does not have any detrimental impact to the character of the area or existing views enjoyed by residents, being seen as an extension to the existing outbuildings nearby. The scheme is therefore considered acceptable in this regard.



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

In terms of the impact on existing levels of residential amenity, the scheme is considered acceptable. Comments have been received with regard to the impact upon the space for children to play, the potential commercial use of the garage, disturbance and pollution. The roller shutter doors are small in scale and do not impact upon the public realm or subsequently any outdoor amenity space. Further, the proposal relates to the construction of the roller shutter door only, the garage structure itself is existing and does not form part of this application. Therefore, while in a residential area, there would not be any physical detriment to the amenities of surrounding neighbours and the use of the existing garage is not a consideration of this application, although it appears to be in domestic use. Finally, the introduction of the roller shutter would not introduce any further intensification of use. As such there would be no further noise and disturbance to existing residents. The scheme is therefore considered acceptable in this regard.

## **Other matters**

### ***Flooding***

Concerns from residents have been raised with regards to potential flooding of the site given the siting of the door and adjoining structure is within 3m of a culvert. While these comments are acknowledged, given the very minor nature of the development it is not considered it would result in any further surface water issues in the area than that which already occur.

### ***Existing garage constructed without consent***

From aerial imagery it is clear the building was constructed between 2013 – 2016 and therefore is at least 4 years in situ. Consequently while it would have needed planning permission, it is now exempt from enforcement action for the physical construction, although can still be enforceable if the use is unacceptable, i.e. commercial.

## **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**

The siting of garage roller shutter doors in this location is considered an appropriate and acceptable form of development which is considered to comply with the relevant requirements of planning policy.

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

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):
  - Application form dated 20/03/2023
  - Location Plan 1:1250
  - Block Plan 1:500
  - Site Plan 1:100
  - Elevations 1:50

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

## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0039/10 (JE)  
**APPLICANT:** Mr B Jones  
**DEVELOPMENT:** Construction of garage/store/workshop (Amended Redline Boundary and Plans received 17/03/23)  
**LOCATION:** REAR OF 2, CRICHTON STREET, TREHERBERT  
**DATE REGISTERED:** 17/03/2023  
**ELECTORAL DIVISION:** Treherbert

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#### RECOMMENDATION: APPROVE

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon highway safety and the impact it has upon the amenity and privacy of the neighbouring residential properties.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- More than 3 letters of objection have been received

#### APPLICATION DETAILS

Full planning permission is sought for the construction of a garage at land to the rear of 2 Crichton Street, Treherbert. The garage would be sited on an area of land which currently accommodates 3no. garages that would be removed from the site.

The proposed garage would have an irregular footprint and would measure a maximum width of 17.7 metres by a maximum depth of 11.2 metres. The garage would have a mono pitched roof design measuring a maximum height of 3.2 metres sloping to 2.3 metres at the eaves. The proposal would also see a 1 metre access path located along the northern side which would allow access to the rear amenity space of No.3 Crichton Street. Access to the garage would be made via a single entrance door located on the front elevation.

Members are advised that a revised redline boundary along with amended plans showing a structure of a reduced height were submitted following information being

submitted with regard to land ownership and concerns being raised with regard to the scale of the proposal.

## **SITE APPRAISAL**

The application site relates to an irregular shaped parcel of land which extends to approximately 0.012ha in size. The site is located to the rear (west) of properties along Crichton Street and currently accommodates 3no. single garages with the site enclosed by mech fencing and sheeting between the garages. The nature of the area slopes from north – south with a change in levels seen across the site. To the front of the site is a cross junction of rear lanes with an open area of tarmac. The site is bounded by the 2 and 3 Crichton Street to the east, no.4 Crichton Street and a substation to the north and access lane to the west and south.

The surrounding area is residential in nature and is characterised by traditional linear terraces. There are also a number of existing garages of varying scale and design located to the rear of neighbouring properties which adjoin the rear access lanes.

## **PLANNING HISTORY**

There are no recent planning applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

A total of 7 letters of objection have been received following consultation. The points raised have been set out below:

- The development is completely out of proportion for the local areas. A 4.5 metre high building will stick out like a sore thumb and encourage other similar development in the area.
- Misrepresentation of the ownership of the plot shown on the block plan as part of the land is not owned by the applicant.
- The size and density of the proposed rear garage and store/workshop is excessive and out of keeping with the surrounding area in contravention of the area wide policies contained in the Rhondda Cynon Taf Local Development Plan.
- The applicant has misrepresented on the application form that there has been a discussion with neighbours. This is incorrect.
- The proposed garage and store/workshop is likely to be used for commercial activity
- The proposed plans block right of way access to adjacent properties
- Will block light and view from neighbouring properties.
- The plans build over a garage owned by a neighbouring occupier.
- Plan will impact future property value.

- The proposed structure will significantly reduce the entry/ egress into the already narrow lane. If there is a fire, how will emergency service vehicles have enough space to access the substation.
- Commercial use will result in increased noise and traffic
- Proposal which measures 4.5 metres high is significantly higher than the existing small garages.
- Overshadow neighbouring gardens and comprise access to natural light
- Structure lacks any sort of architectural design and will be very unattractive in this neighbourhood which consists of mostly Victorian housing.

Following the submission of the revised redline boundary and amended plans further consultation was undertaken. During the process the additional comments were received:

- The proposal continues to misrepresent the ownership of the plot shown in the block plan as the area of land accommodates a garage not owned by the applicant.
- The proposal would continue to fail to satisfy the requirements of the applicable planning policy.

## **CONSULTATION**

**Transportation Section:** No objection subject to conditions.

**Public Health and Protection:** No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

**Flood Risk Management (Drainage):** No objection subject to condition.

**Welsh Water/ Dwr Cymru:** No objection although condition requested with regard to surface water drainage.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members

are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Treherbert and isn't allocated for a specific purpose.

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

**Policy AW2** – supports development 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** – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

**Policy NSA12** – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

#### Supplementary Planning Guidance

- Design and Placemaking
- Access, Parking and Circulation

#### 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 policy guidance considered:

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 construction of a detached garage on a site within the settlement boundary for Treherbert. As such, the principle of development is therefore acceptable subject to the criteria set out below.

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

Whilst the proposal would form a large addition to the site that would result in a prominent addition when viewed from the adjacent rear lanes. With the garage located to the rear of neighbouring properties at Crichton Street, Church Street and Dumfries Street which largely screen the site from view from the adjacent streets, the proposed garage is not considered to result in a dominant or incongruous feature in the area surrounding the site. It is also noted that the resulting appearance would not be dissimilar from blocks of garages which are widely seen in such locations within rear lanes. In addition, there are a number of existing garages of varying designs located to the rear of neighbouring properties within the surrounding area. As such, it is considered that the proposals will not detract from the character or appearance of the area.

Taking the above into account the application is considered acceptable in this regard.

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

Whilst the garage would be larger in scale in comparison to a typical single or double domestic garage. When considering the height of the garage at 3.2 metres which

would be reduced to 2.5 metres along the areas closest to No.3 and 4 Crichton Street due to the ground level being lowered. It is not considered that any impact would be significant and it would be similar to existing relationships between properties and garages within the vicinity. As such, any impact in this regard would not be significant enough to warrant a refusal of the application

The objections received have set out concerns that the garage would be used for commercial purposes and result in an adverse impact through noise and disturbance. Whilst these concerns are noted the applicant has set out that the garage would be used for domestic purposes and a condition has been set out below restricting the use of the garage.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **Highways**

Concerns were raised by the objectors with regard to highway safety and the use of the access lane. As such, the Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the proposal with regard to highway safety. The following comments were received:

The proposed garage will be served off an un-metalled lane approximately 2.7 metres in width to the rear of Crichton Street/Dumfries Street which is accessible from Crichton Street and Church Street. The lane to the rear of Crichton Street extends to a maximum of approximately 13.5 metres in width to the rear of the property providing sufficient space for vehicles to turn allowing vehicles to access and egress the side lanes in a forward gear which is considered acceptable.

The proposed provides off-street parking facilities within the garage reducing on-street parking demand in the interests of highway and pedestrian safety which is considered acceptable.

The proposed will utilise an existing access and provide off-street parking facilities which will decrease on-street parking demand in the interests of highway and pedestrian safety and therefore, is considered acceptable.

### **Drainage**

Following consultation, the Council's Flood Risk Management Team and Welsh Water have requested a condition be attached to any consent with regard to surface water drainage. In this instance the applicant has submitted detail indicating water run-off from the proposed discharging internally. As such, it is not considered that these conditions would be necessary.

### **Public Health and Protection**



The Council's Public Health and Protection Division have raised no objection to the proposal; however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not necessary. An appropriate informative note would be sufficient

### **Other points raised by the objectors**

The original objections set out that the development includes an area of land outside of the ownership of the applicant. Following information being received with respect to the original redline boundary which included an area of the rear garden of No.4 Crichton Street. Members are advised that the redline boundary was subsequently amended to include land solely within the ownership of the applicant. The objections also set out that an existing garage at the site is owned by a neighbouring occupier which is disputed by the applicant. Therefore, whilst the above concerns are noted any issues with respect to land ownership on site would form a civil matter between the relevant parties and are not material to the determination of this planning application

The right to light and impact upon property values were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this 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 not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

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

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

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 Plan numbers:
- SGI 01C – Received 17/03/23
  - SGI 02C – Received 17/03/23
  - SGI 04C – Received 17/03/23

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 use of the garage hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

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

## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0149/08 (GRD)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** Alteration and Works for reinstatement of Grade II Listed Bridge  
**LOCATION:** ROBERTSTOWN IRON BRIDGE, CYCLEWAY FROM TRAM ROAD TO ABERDARE FOOTPATH ABD(33(1, TRECYNON, ABERDARE  
**DATE REGISTERED:** 07/03/2023  
**ELECTORAL DIVISION:** Aberdare West and Llwydcoed

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**RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS.**

**REASON:** The application proposes the reinstatement of the Robertstown Iron Bridge.

The development would promote access on foot and sustainable modes of transport and would improve connectivity at this location. The development would also allow the sympathetic reinstatement of a bridge which is both Grade II Listed and a Scheduled Ancient Monument, preserving the character of the site and supporting heritage and tourism.

The application is considered to comply with the relevant policies of the Local Development Plan, and the development is considered acceptable in terms of all other material planning considerations.

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

- The application has been submitted by the Council on land owned by the Council, where the nature of the Council's interests is more than a minor nature.

#### **APPLICATION DETAILS:**

Full planning permission is sought for alterations and the reinstatement of the Robertstown Iron Bridge, Trecynon.

Following long-standing fractures affecting the original cast iron beams, severe scour issues affecting the abutments and impact damage caused by a storm in February

2020, the Robertstown tramroad bridge was removed for safety reasons, laboratory testing, and possible conservation and repair. The surviving salvaged superstructure elements have been temporarily stored at HS Carlsteel's workshop in Doncaster for laboratory testing and safe keeping since removal in October 2021.

This application represents alterations to the bridge and its reinstatement following its removal. It has been concluded by an optioneering study that the proposal for a hybrid structure would be the most appropriate long-term solution. It would allow for the reinstatement of virtually all of the original structural elements, allowing them to be displayed in-situ as originally intended, but with modern structural components guaranteeing their longevity and preservation long into the future.

The proposal would reinstate the original iron cast beams and deck plates, with 3no load bearing structural frames added in between the original beams to transfer the deck and pedestrians away from the original beams. These new elements will be coated in black paint to match the original elements. The original iron cast beams would be also repaired and the handrail upright bearing the maker's mark will be repaired by casting a new base and stitching it to the surviving upper section. The deck plate hooks will also be attached to the cast iron beams as an aesthetic feature. The supporting Heritage Impact Assessment states that the repairing of the cast iron sections is to be carried out by competent, specialist contractors.

A balustrade composed of vertical steel spindles will also be included on the re-constructed bridge parapets. The proposed spindle balustrade is proposed to provide fall protection and are proposed for safety reasons.

The abutments will remain largely unaltered; however, some stonework will need to be removed to accommodate the new structural elements. Only a minor removal of stonework would be proposed, which the applicant notes can be displayed on site or donated to a local heritage organisation for long-term display. Parapets are also proposed at the top of each abutment which will improve fall protection and will be designed to match the deck parapets.

The works also involve the installation of a sacrificial, free-standing collision protection beam upstream of the bridge. The purpose would be to prevent objects from striking the structure itself.

All new elements will be painted black to match the bridge's original appearance. The supporting Heritage Impact Statement also notes that the proposed hybrid structure is proposed as having a design life of 120 years to maximise longevity and safety.

The application is accompanied by the following:

- Designer's Risk Assessment
- Access Statement Including Setting Statement and Heritage Impact Statement
- Visuals of the Proposed Bridge
- Bat Survey
- Preliminary Ecological Appraisal

Separate Scheduled Ancient Monument (SAM) consent, issued by Cadw, is also required before works can be undertaken at the site. Cadw have granted conditional SAM consent for works to the 'IRON TRAM BRIDGE, ROBERTSTOWN (GM347)' on 6<sup>th</sup> April 2023.

### **SITE APPRAISAL:**

The application site is located at a meander on the River Cynon, to the east of Trecynon and north of Aberdare. To the east of the application site lies the A4059 Aberdare Bypass, which bisects the tramway route, and to the south lies an adjacent footpath and cycle path. Following long-standing fractures affecting the original cast iron beams, severe scour issues affecting the abutments and impact damage caused by a storm in February 2020, the original Robertstown tramroad bridge was removed from the site.

### **History:**

The original Bridge was erected in in 1811 and manufactured by the Abernant Foundry. It carried the tramroad from Abernant across to the Trecynon area; it may also have carried traffic for Ysguborwen and Aberdare works.

The bridge is Grade II Listed, which is listed as follows:

### **Exterior**

Early cast-iron bridge circa 3m wide and circa 10.5m long; rubble abutments. Decking of cast iron plates on four arched lattice beams. Simple modern iron parapets, one upright is reused and inscribed 'Abernant 1811'. Ridged top to the deck providing the horses with grip when pulling across the bridge. Abutments are slightly curved outwards at ends. Recently restored and now forming part of a public footpath.

The bridge is also a Scheduled Ancient Monument, with a reason for designation as follows:

The monument consists of the remains of a very early cast iron bridge, dating to 1811. The bridge measures circa 3m wide by circa 10m long and crosses the River Cynon at Robertstown. It comprises a decking of 17 cast iron plates supported on four parallel lattice beams between stone abutments. Cast on a pillar of the bridge is the inscription 'Abernant 1811' (Abernant was a local iron foundry). It was built to carry the Llwydcoed tramroad which ran from Hirwaun to Cwmbach.

The monument is of national importance for its potential to enhance our knowledge of 19th century industrial construction techniques and transportation systems. It retains significant archaeological potential, with a strong probability of the presence of associated archaeological features and deposits. The structure itself may be expected to contain archaeological information concerning chronology and building techniques.

The scheduled area comprises the remains described and areas around them within which related evidence may be expected to survive.

**PLANNING HISTORY:**

No recent planning history identified at the site.

**PUBLICITY:**

The application has been advertised by site notices posted near the application site, by direct notification to neighbouring properties and by press advertisement. No letters of objection or comment were received by third parties following consultation.

**CONSULTATION:**

Local Highway Authority

No objection. Advisory notes offered.

Flood Risk Management

No objection.

Public Health and Protection

No objection. Advisory notes offered.

Natural Resources Wales

No objection, subject to condition and advisory notes.

Cadw

No objection.

Joint Committee of the National Amenity Societies

No adverse comments received.

Right of Way Officer

No adverse comments received.

Structural Engineer

No objection.

Ecology

No objection, subject to conditions and advisory notes.

**POLICY CONTEXT:**

Rhondda Cynon Taf Local Development Plan:

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located outside settlement boundary limits and is within the Cynon Valley River Park Region and Development Advice Maps Zone C2. The site is unallocated for any specific purpose. The following policies are relevant in the consideration of this application:

**Policy CS1 – Development in the North:** outlines how the emphasis on building strong, sustainable communities will be achieved in the Northern Strategy Area.

**Policy AW2 – Sustainable Locations:** 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 AW5 – New Development:** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 – Design and Placemaking:** requires development to involve a high-quality design and to make a positive contribution to placemaking.

**Policy AW7 – Protection and Enhancement of the Built Environment:** Requires that development proposals which impact upon sites of historical or architectural merit should preserve or enhance the character and appearance of the site.

**Policy AW8 - Protection and Enhancement of The Natural Environment:** Seeks to preserve and enhance Rhondda Cynon Taf's distinctive natural heritage by protecting it from inappropriate development.

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

**Policy NSA 26 – Cynon Valley River Park:** Supports development that will contribute to the achievement of the Cynon Valley River Park Strategy.

Supplementary Planning Guidance:

Design and Placemaking

The Historic Built Environment

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 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.

Other national policy guidance considered:

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 24 – The Historic Environment

**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 key determinants of this planning application are the principle of development itself, the impact of the proposals on the character and appearance of the area and any impacts on ecological interests at the site.

**Principle of the proposed development:**

The proposal would reinstate a footbridge, promoting accessibility through walking, thus promoting sustainable modes of transport, in accordance with Policy CS 1 of the LDP and in line with the Sustainable Transport Hierarchy outlined in Planning Policy Wales (PPW) and The National Development Framework (NDF). Furthermore, reinstating the Grade II Listed and Scheduled Ancient Monument bridge would allow the public to utilise the public right of way path at this location once more, which PPW identifies as important for both recreation and tourism purposes, promoting public access on foot and supporting heritage and tourism, in accordance with Policy NSA26 of the LDP.

The site falls within Zone C2 of the development advice maps in respect of flooding. The development of transport infrastructure, which is considered less vulnerable development for the purposes of flooding and TAN15, and the reinstatement of a bridge to provide a sustainable mode of transport is considered acceptable in this respect and in line with guidance contained in TAN15 and Policy AW10 of the LDP.

Overall, the principle of reinstating the bridge would be considered acceptable, subject to other normal planning considerations which are addressed below.

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

The bridge would be supported by the existing abutments and would not form an overly prominent feature locally. Furthermore, the proposal represents the reinstatement of a bridge of a similar scale and bulk as to what was existing at the site prior to the original bridge's removal.

Some amendments are proposed in terms of design for the reinstated bridge, compared to the original bridge's design; however, the development and amendments are considered sympathetic in terms of design and would preserve the character of the site and wider area.

It should be noted that the bridge is both Grade II Listed and is a Scheduled Ancient Monument (SAM). Following consultation, Cadw raise no objection to the proposal. Furthermore, Cadw have granted separate conditional SAM consent for the works in April 2023, noting the following in their assessment:

*'The proposals would not cause damage to the monument or have a significant impact on the setting of the remains. The proposals will alter the original structural configuration of the bridge, adding a degree of complexity to the original simple design.'*

*However, the original structure has failed and cannot be reinstated as originally designed. It requires additional support to be rebuilt and reused. In my opinion, the proposals are sympathetically designed, and the new elements will largely be invisible to most users. The proposals are based on thorough analyses of the materials, explanation of failures, a robust options appraisal, and a sensitive and minimally invasive design. The implementation of this scheme will allow the historic bridge to be retained in situ whilst also meeting modern structural and health and safety requirements, removing crude modern additions and reinstating some missing elements.'*

The design of the proposed reinstated bridge, in terms of its siting, scale, height, massing, finish materials and detailing would be considered acceptable and would preserve the character and appearance of the site. As such the proposal is considered compliant with the requirements of Local Development Plan Policies AW5, AW6 and AW7 in this respect.

**Impact on residential amenity and privacy:**

The bridge would be accessed from and connects to an existing public right of way path and would not be located near other residential properties. The application site is also relatively well screened with trees somewhat obscuring views to and from the bridge. The development would not be considered to negatively impact the residential amenity or privacy of residents.

**Access and Highway Safety:**

Following consultation, no concerns or objections were raised by the Local Highway Authority (LHA) to the proposal. The LHA have recommended an advisory note be attached to any planning consent advising the applicant that any temporary road closures would need to be agreed by the Council's Traffic Section.

**Ecology:**

The application site is located within the Upper Cynon Floodplain Site of Importance for Nature Conservation (SINC). The application has been supported by both a Preliminary Ecological Appraisal (PEA) and a Bat Survey. The surveys found no evidence of a bat roost and conclude that there is negligible bat roost potential. Following consultation, the Council's ecologists have raised no objection to the proposal, subject to conditions ensuring that the development is carried out in accordance with recommendations, mitigation and enhancements set out in the PEA and Bat Survey. Additionally, a Flood Risk Activity Permit (FRAP) issued by Natural Resources Wales (NRW) will be required for the works, which the Council's Ecologist considers will cover any additional small scale pollution control requirements that NRW identify as part of that process.

The proposed development would be situated over the Afon Cynon River, which is a designated main river. Natural Resources Wales (NRW) initially raised some concerns with regards to the application; however, NRW consider that these concerns can be overcome by attaching a condition for a Construction Environment Management Plan (CEMP) to be submitted. A condition is therefore recommended, for the protection of the water environment, for a CEMP to be submitted prior to development commencing.

**Other Matters:**

The application site is located on Public Right of Way Footpath ABD/35/1. Following consultation, the Council's Public Rights of Ways Officer confirmed that they offered no objection to the proposal.

Following consultation, the Council's Public Health and Protection Department have offered no objection to the proposal and have recommended advisory notes be attached in relation to the management of noise, dust and waste at the site during construction works.

No objections were raised by the Council's Flood Risk Authority or Structural Engineers, following consultation.

**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:**

The application proposes the reinstatement of the Robertstown Iron Bridge.

The development would promote access on foot and sustainable modes of transport and would improve connectivity at this location. The development would also allow the sympathetic reinstatement of a bridge which is both Grade II Listed and a Scheduled Ancient Monument, preserving the character of the site and supporting heritage and tourism.

The application is considered to comply with the relevant policies of the Local Development Plan, and the development is considered acceptable in terms of all other material planning considerations.

**RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:**

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 plan no's
  - Plating Repair Details. Drawing No. S2022\_117\_DRG\_004
  - Plan – Cutaway Beneath Deck. Drawing No. S2022\_117\_DRG\_002
  - Plan. Drawing No. S2022\_117\_DRG\_001
  - Sections - Upstream Elevation. Drawing No. S2022\_117\_DRG\_003
  - Site Plan. Drawing No. S2022-117-DRG-005
  - Elevations – Existing. Drawing No. S2022\_117\_DRG\_102
  - Plan – Existing. Drawing No. S2022\_117\_DRG\_101

And documents received by the Local Planning Authority on 10/02/2023, 23/02/2023, 24/02/2023, 04/05/2023, 23/05/2023 and 05/06/2023 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 until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
  - Construction methods: details of materials, how waste generated will be managed;
  - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
  - Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
  - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
  - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

- Landscape/ ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction, in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the approved plans, development shall be carried out in accordance with the recommendations, mitigation and enhancements set out in Section '7. Recommendations' of the Preliminary Ecological Appraisal (Version 1), undertaken by Gould Ecology, dated February 2023. Received by Local Planning Authority 23/05/2023.

Reason: In the interest of nature and ecological conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the approved plans, development shall be carried out in accordance with the recommendations, mitigation and enhancements set out in Section '7. Recommendations' of the Bat Survey (Version 1), undertaken by Gould Ecology Ltd, dated May 2023. Received by Local Planning Authority 05/06/2023.

Reason: In the interest of nature and ecological conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0290/10 (GH)  
**APPLICANT:** C/o Agent  
**DEVELOPMENT:** The demolition of the existing warehouse, construction of a block of 14 affordable apartments, parking and amenity areas. (Revision and resubmission of previous application 22/0510/10)  
**LOCATION:** W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESALE, PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY  
**DATE REGISTERED:** 15/03/2023  
**ELECTORAL DIVISION:** Tonyrefail West

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#### **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT**

**REASONS:** The proposed development would enable the re-use of a previously developed site, providing much-needed affordable housing in a sustainable location within the settlement boundary, close to shops and services.

The design, massing and scale of the new building would be acceptable in the context of the surrounding development and compared with the existing appearance of the site, would have a beneficial impact on the immediate street scene.

Nothing the previous use and building occupying the site, it is considered that the development would not be detrimental to neighbour amenity and no other concerns have been raised by statutory consultees, particularly with regard to access and highway safety.

Consequently, the proposed development is considered to be acceptable in respect of the LDP and national planning policy framework.

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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**

Full planning permission is sought to demolish the former WR Bishop Fruit and Veg Warehouse, Penrhiwfer Road, Tonyrefail, and construct a two-storey residential scheme of fourteen apartments.

The proposal would provide 100% affordable housing on behalf of the Registered Social Landlord Newydd Housing Association.

The one-bed/two-person flats would be of similar size and layout, each having an internal floor space of 47.6m<sup>2</sup> or 48.5m<sup>2</sup>. The accommodation would comprise bedroom, bathroom and open plan kitchen/diner/living room. All flats would be accessed by a communal entrance and shared internal corridor.

In terms of external finishes, the elevations would be of buff coloured face brickwork, with the feature bays and Juliet balconies picked out in red brick. The roof would have a false concrete-tiled pitch around its perimeter, with the large flat central area almost entirely covered with solar panels.

The proposed site layout plan shows that the existing access from Penrhiwfer Road would be closed and fenced across and a new access formed from Bryn Rhedyn, leading to a car park area, containing fifteen spaces, a bike and bin store and a sitting out area.

Further to the above, a soft landscaping plan has been provided which indicates that the land to the north-east and north-west of the site would be grassed and enclosed by a hedge of native species. The plan also includes specifications for four sections of rain garden, as well as other planting to the front site boundary.

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

- Bat Survey Report
- Planning Statement
- Transport Statement
- Design and Access Statement

Lastly, Members will have noted that this application is a resubmission of a previously refused scheme.

The key changes, in order to overcome the reason for refusal, are a reduction in the size of the new building and a reduction of two units, both of which have enabled it to



be sited further away from the closest neighbouring house to the north-west no.19 Bryn Rhedyn. The overall design of the elevations has also been 'tidied-up', particularly that to the south-eastern side.

## **SITE APPRAISAL**

The application site comprises a vacant warehouse building and associated curtilage from which a wholesale business formerly operated. The site is located towards the northern fringe of Tonyrefail and within the area known as Penrhiwfer.

The site is accessed directly from the B4278 to the north-east where a large hardstanding and parking area provides a forecourt to the warehouse building. The remaining land around the more southerly area of the site comprises grassland, scrub and contains a number of trees, and where the site boundary is demarcated by the adjacent highway Bryn Rhedyn.

Most of the surrounding development is residential in nature and includes traditional Victorian dwellings, as well as later 20th century properties. The exception to this is that there is a Co-op supermarket on the opposite side of Bryn Rhedyn to the south-east.

Other than for the general planning policies listed below, there are no specific constraints or considerations relating to this site. However, records show that a small part of the site is intersected by an area designated by The Coal Authority as 'high risk to development'.

## **PLANNING HISTORY**

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

**22/0510/10:** The demolition of the existing warehouse building and the construction of a block of 16 affordable housing apartments with associated parking and amenity areas. (Revised plans incorporating solar panels to main roof received 19/05/22, Ownership Certificate 'C' received 04/08/22, revised elevation drawings, floor plans, site layout, lighting details and additional cross section received 08/08/22). Decision: 11/10/2022, Refuse.

**21/5106/10:** Pre-app. Decision: 19/11/2021, Raise No Objection

## **PUBLICITY**

The application has been advertised by direct notification to nineteen neighbouring properties, notices were displayed on site and a press notice issued.

As a result of the consultation twenty-seven letters of objection were received, together with a previously submitted petition relating to the earlier refused scheme, which contained 936 signatures. The concerns raised can be summarised as follows:

#### Planning Policy / Land Use / Infrastructure

- Local healthcare and school facilities are oversubscribed and many existing residents are registered in other villages.
- Before the Council gives planning permission to future housing developments, they should secure an improvement in the infrastructure.
- The sewerage system in Bryn Rhedyn is already insufficient for the current number of residents and adding more people to this situation would be catastrophic.
- Lack of need for the development.
- The plans stated that the flats were for affordable apartments, now we understand they will be social housing, what is the difference?

#### Highways

- The minor changes are not sufficient to address previous objections on access and safety grounds.
- Insufficient parking space. There is not room for overspill at Bryn Rhedyn due to the number of dropped kerbs and existing on-street parking.
- It is wrong to assume that there would be only one car per flat. Assuming that the new residents would not be able to afford cars is condescending. Benefits are very generous these days and for a 2 person household, it is not beyond affordability.
- The proposed entrance from Bryn Rhedyn is not safe. The existing access road is too busy and narrow and more traffic would worsen the current health and safety issues. Visibility to the access and a blind bend are dangerous.
- The entrance to the Co-op is very dangerous for pedestrians and vehicles, as cars pull out on residents entering the cul-de-sac. More cars will increase the chances of collisions.
- The loss of parking directly outside my property.
- Danger to children playing in the street.
- The traffic surveys were undertaken when we were under covid restrictions and people were told to work from home and travel only when necessary.
- Two parking spaces are positioned within the line of traffic entering Bryn Rhedyn and are also partially over the boundary line.

#### Design and appearance

- Building a block of flats in a nice neighbourhood would be unsightly and not fit in.
- The development is too big.

- We understand that there will be some kind of development on this site, but something more in keeping would be a better proposition.
- A mixture of dwellings would be more appropriate.
- Bryn Rhedyn is a community of hard working, law abiding residents and we all have similar looking homes. The proposed flats would seriously stand out and ruin the visual conformity of the street.
- Bryn Rhedyn is made up with detached bungalows or houses, and Penrhiwfer Road has miners houses as well as bungalows, all privately owned. This proposal will change the ethos of the area.
- The density is inappropriate and its design would not assimilate with existing housing.
- The proposals offer poor quality and size of accommodation.

### Residential amenity

- The development would dominate outlook from no's 1- 4 Bryn Rhedyn and the houses on the opposite side of Penrhiwfer Road.
- The windows in the side of the development would overlook no.19 Bryn Rhedyn.
- The building will be directly overlooking current residents, providing balconies will only add to the total loss of privacy for those of us living opposite with direct views especially from the upper floor into our homes.
- The new homes are not family oriented and would bring hassle to the street with parking and noise.
- The building would cause a loss of daylight and overshadow local residents.
- An objector has raised concerns regarding the impact of the development on the health of their child with complex care needs.
- Noise and disturbance to us due to the extra traffic and the possibility of 32 extra residents that could be living at the apartments at any one time.
- I do not believe that the resubmitted plans answer all the previous reasons for refusal.
- The bin store is situated along the boundary fence of neighbouring properties which could attract vermin and smell in the expected global warming.

### Community safety

- The development will bring unwanted/unnecessary behavioural problems which will not be supported or policed properly.
- Existing poor water pressure is going to suffer further. There was a fire at a bungalow on the main road and not enough pressure for the fire officers to put it out.
- Band A on the housing waiting list are the most vulnerable, troubled and troublesome members of the community. To move them onto this street would cause a variety of drug and alcohol related issues that police are unable to deal with due to the sheer volume of disruption in the community.

- I fully understand the issues that come with drugs and alcohol and the impact this has on the community.

### Procedural issues

- Not all homeowners in close proximity to the proposals, or in the west of Bryn Rhedyn who will be affected as the road is a cul-de-sac, were issued with a copy of the consultation letter.
- We request a site visit by the Planning Committee.

### Other matters

- Nothing has changed and everything apart from the development being too close to no.19 was brushed under the carpet last time.
- This is an unpopular proposal. That is evidenced by the number of public responses to its predecessor and the number of signatures provided on a petition which were against that application. These must still apply to the new scheme as it is substantially similar to the former scheme and is admitted as such by the Agent.
- Concern that a further application has been submitted since it has already been refused once.
- The development would devalue all properties in the immediate surrounding area/ neighbourhood
- The application states that this proposal is driven by economics, as private houses will not make the contractors any profit. Therefore, the whole thing is driven by money with no consideration for the health and safety of current residents
- We have been trying to sell our property for five months and have had only one viewing. Houses in this cul-de-sac always sell within weeks but the estate agent has said that prospective buyers are being put off buying by the proposed development as they already see the negative impact this will have on our lovely neighbourhood.
- We have no objection to houses being built in a nice cul-de-sac but not a block of flats.
- The southern boundary wall is not a retaining wall and is cracked, and shouldn't be built on.

## **CONSULTATION**

### Highways and Transportation

No objection subject to conditions, as detailed further below.

### Flood Risk Management

Given the total construction area is greater than 100m<sup>2</sup> the developer would be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB) and the development would also be required to comply with Part H of the Building Regulations.

Regarding the requirements of the Lead Local Flood Authority, detail relating to surface water disposal has not been provided. The Applicant has outlined that surface water will be disposed of via the existing water course.

Regardless of construction size and proposal type, it is essential that when connecting to an ordinary watercourse that the Applicant evidences the watercourse can handle any increase in flows, and there is a need to provide pre and post-discharge rates to confirm that flood risk is not increased downstream, demonstrating compliance with the requirements of Section 8.3 of Technical Advice Note 15.

This information may include a drainage strategy with associated calculations demonstrating the pre and post surface water discharge rates from the site and a general arrangement of the catchment and proposed drainage system.

A condition is therefore recommended for those details.

#### Public Health and Protection

Conditions relating to construction noise, dust, waste and hours of operation are recommended, although it is considered that these matters can be controlled within the scope of existing Public Health legislation. In addition, a condition requiring a site investigation for contamination would be required.

#### Natural Resources Wales

NRW continues to have concerns with the application as submitted but is satisfied that these concerns can be overcome with a condition for a Construction Environmental Management Plan (CEMP) to prevent pollution to the Nant Cae'rgwerlas watercourse.

#### Dwr Cymru Welsh Water

DCWW has reviewed the information submitted as part of this application and notes that the intention is to drain foul water to the public sewer and surface water to the nearby watercourse, to which there is no objection.

#### National Grid

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

#### South Wales Fire and Rescue Service

The Fire Authority has no objection to the proposed development.

#### Countryside – Ecologist

No objection subject to a condition in respect of the measures outlined in the Applicant's Bat Survey Report.

#### The Coal Authority

On the basis that the area where the built development would be constructed falls outside the defined Development High Risk Area, the Coal Authority does not consider a Coal Mining Risk Assessment is necessary for this proposal and does not object to this planning application.

#### South Wales Police

No objection. A list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer.

#### Tonyrefail Community Council

The Council supports the many residents who have objected to this development as it is felt there are legitimate concerns relating to the access and the likelihood of neighbouring properties being overlooked.

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

### **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonyrefail but is not allocated for any specific use.

**Policy CS2** - sets out the strategy for the Southern Strategy Area (SSA) with an emphasis 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 CS4** - identifies the housing requirement figure for the plan period.

**Policy CS5** - identifies that there is a need to provide 1770 affordable housing units over the plan period.

**Policy AW1** - outlines how the housing land requirement will be met, and includes the development of unallocated sites within the defined settlement boundaries.

**Policy AW2** - ensures that development proposals are only supported when located in sustainable locations. Such locations would not unacceptably conflict with surrounding uses, have good access to key services by a range of sustainable transport options, and support the roles and functions of Key Settlements.

**Policy AW4** - details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

**Policy AW5** - sets out 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** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Proposals must be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - seeks to protect the natural environment from inappropriate development and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation.

**Policy AW10** - development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health would not be supported.

**Policy SSA4** - indicates that residential development in the Key Settlement of Tonyrefail will be permitted where it supports and reinforces the role of the centre as a key settlement; is of a high standard of design and integrates positively with existing development; promotes the beneficial re-use of vacant and underused floor space; supports the provision of local services and promotes accessibility by a range of sustainable modes of transport.

**Policy SSA11** - stipulates that residential development will only be permitted where the net residential density is a minimum of 35 dwellings per hectare.

**Policy SSA12** - provision of 20% affordable housing will be sought on sites of 5 units or more.

**Policy SSA13** - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

### **Supplementary Planning Guidance**

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- Planning Obligations
- Affordable Housing
- Development of Flats

### **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
- Policy 7 – Delivering Affordable Homes – SDP/LDP allocations and innovative approaches.
- Policy 9 – Resilient Ecological Networks – green infrastructure / ecology

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 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;

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application proposes the construction of an affordable housing development, which would be located within the defined settlement boundary, in compliance with LDP Policies CS2 and SSA13.

Although the site is not formally allocated for residential development as a strategic or non-strategic site, Policy AW1 sets out the housing requirement over the LDP period and clarifies that unallocated sites will contribute to the supply of new properties to help meet local need. The principle of the redevelopment of brownfield land is supported by Policy CS2 and PPW11 indicates a strong preference for the use of previously developed sites rather than greenfield locations.

The site is within 356m of the Tonyrefail retail centre, which has a number of services and facilities including a chemist, opticians, convenience stores, a newsagent, takeaways, hairdressers, a butcher, coffee shops and a public house. There is also a reasonably sized Co-op supermarket on the opposite side of the Bryn Rhedyn junction.

Furthermore, the site is also close to a network of public rights of way, a bus route and adjacent to a proposed active travel route, which aims to improve connectivity within Tonyrefail and eventually form a continuous route to Tonypandy.

Therefore, the development would be considered to support the role of Tonyrefail as a Key Settlement, as per Policy SSA4, and would meet the relevant criteria of Policy AW2, which define whether or not a location can be considered a sustainable one.

Policy SSA11 stipulates that proposals for residential development will be permitted where the net residential density is a minimum of 35 dwellings per hectare. The site comprises an area of 0.21 hectares, giving a density of development well in excess of policy requirements at 66 dwellings per hectare.

Policy AW11 requires that employment and retail units are marketed for 12 months for those express purposes. Since the last use was an employment one (Use Class B8), the applicant would need to provide evidence that the property has been marketed consecutively for a twelve-month period.

Information accompanying the current and previous application noted that the site had been marketed in excess of 12 months, with no interest shown for continuation of an employment use. In addition, evidence of marketing was apparent by the presence on site of a property agents board in April 2022. The same boards can be seen in Google Street View images dated July 2021.

Policy SSA12 identifies that a 20% affordable housing contribution will be sought on developments of over 5 units. However, since this scheme would be constructed for Newydd Housing Association and all units would be affordable and secured as such by a S106 agreement, this policy requirement would be easily met. The Council's Housing Strategy Team has also commented that the unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2017/23.

Lastly, it might be helpful to clarify that the term affordable housing is based strictly on the definition within PPW TAN 2 i.e., "*housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers*".

The TAN identifies that affordable housing can take the form of:

- Social rented housing (that provided by RSLs and local authorities)
- Intermediate housing (where rents are above social housing but below market rates)
- Part-ownership or staircasing schemes (such as RCT Homestep)

Whilst it is not unusual to hear references to affordable housing in a general non-planning sense, to describe developments that are considered to be good value, or of

lower cost to buy or rent than in other areas, anything other than that falling within the TAN definition is considered to be market housing.

In light of the above, it is considered that the principle of residential development is acceptable.

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

With an approximate width of 27.7m and depth of 17.5m the new building would have a slightly wider footprint than that of the warehouse it would replace but would be positioned around 6m further towards the north-east towards Penrhiwfer Road.

However, compared with the previous refused scheme, the current proposal would have a lower roofline and be set further away from the nearest neighbouring property to the north-west, no.19 Bryn Rhedyn.

The distance between no.19 and the warehouse is currently 11.24m, as measured from the mid-point of the side elevation of the latter, whereas the new development would have a staggered side elevation with a minimum separation of 15.9m and maximum of 19.8m.

Concerns have been raised by objectors about the scale and design of the development, with a suggestion that having a single, large building does not reflect the settlement pattern in this part of Tonyrefail and would be out-of-keeping.

It might, therefore, have been preferable for the flats to be accommodated in a couple of blocks, or arranged in a walk-up style, rather than with a communal entrance, to reduce mass and any sense of an 'institutional' appearance.

Nonetheless, for a long period of time the local character, both prior to and since the construction of Bryn Rhedyn has been mixed, with commercial and residential buildings of various eras. Old mapping shows that that the Co-op site formerly accommodated a large building in addition to the WR Bishop warehouse.

The design of the development is also considered to be of an appropriate scale since its proportions and massing are comparable to a five-dwelling terrace and it is of a domestic style and size.

Unlike the design of the previously refused scheme, which resulted in tweaks and amendments to try and manage concerns relating to neighbour impact, the current proposal does not have a sense of having a compromised or overly fussy appearance.

On this basis and since the proposal would evidently result in an improvement to the current appearance of the site, it is considered that an objection on these grounds would not be a sustainable one.

In addition, the local area is not part of a conservation area designation or defined character area and since the development would bring about a residential use, it would be more relatable to the surrounding dwellings at Bryn Rhedyn and at Penrhiwfer Road.

Therefore, taking into account the site context and the foregoing, it is considered that the development would not be detrimental to the character and appearance of the site and surrounding area, and there are no objections in this regard.

### **Impact on neighbouring occupiers**

There have been various objections from existing residents regarding matters of privacy, overshadowing and amenity, as well as concerns about public wellbeing and safety.

As per the preceding proposal, the development is an affordable housing scheme which, like the neighbouring residential properties around it, falls within Use Class C3. The application does not seek consent for any other form of residential use, such as secure accommodation or where an element of care would be provided.

Consequently, any considerations relating to the matter of tenure, whether a new property is to be owner-occupied or rented, regardless of the owner, landlord or the background of any potential occupiers, is not material to a planning decision.

Thus, the development can only be considered acceptable in terms of its compatibility with neighbouring existing residents. In addition, it might be considered that a residential land use would be preferred to the established industrial B8 use, since although the activities of the previous occupier may not have been intrusive, the same might not be able to be said of other lawful uses that could occupy the unit without the need for planning permission.

The Applicant has provided sectional drawings and plans which demonstrate that there would be a gap of at least 33m between the elevations of the flats and the properties on the opposite side of Bryn Rhedyn. and gap of at least 24m to the dwellings on the opposite side of Penrhiwfer Road.

These distances are easily in excess of the 21m rule of thumb distance which is used to ensure the privacy of residents is maintained where there are opposing elevations and would also mean that there would be no overshadowing of habitable rooms or gardens.

Similarly, the provided lighting arrangements for the site, together with their positions, angle of direction and illumination spill show that the lighting of the external areas of the development would be no more intrusive than the existing street lights within the adopted highway.

Members will recall that the reason for refusal of the earlier application was due to what was considered to be an unacceptable relationship between the side elevation of the development and the neighbouring dwelling immediately to the north-west, no.19 Bryn Rhedyn, in terms of harm to outlook.

Generally, where there is around 11-12m between a front or rear elevation of a neighbouring property and the side elevation of a new development this, depending on the context of the site and any other material matters, would likely be considered satisfactory.

However, this revised scheme has increased the gap between no.19 and the development to a minimum of 15.9m. which means that the new side elevation would be at least 4.7 metres further away from no.19, and the staggered part further still. The combined cycle and bin store would also be located a little further to the south-west, which helps to address a previous concern about its visibility from no.19.

Whilst it is recognised that no.19 currently looks out towards the side elevation of the warehouse and would continue to look towards a side elevation, it is considered that the proposed relationship represents a betterment and would not be of significant material concern to warrant a recommendation of refusal.

Lastly, to prevent concerns of intrusive views from the first floor windows within the north-western side elevation of the new building, it is proposed to add a condition to ensure they are fitted with obscure glazing.

Therefore, in terms of the impact of the development on the amenity and privacy neighbouring residents, the application is considered to be acceptable.

### **Access and highway safety**

The Council's Highways and Transportation Section has reviewed the application and provided the following assessment:

#### *Proposed Primary Access*

The new vehicular / pedestrian access to the site is proposed to be from Bryn Rhedyn which is an adopted residential cul-de-sac with a carriageway width of 5.5m with 2m wide footways on both sides, which is acceptable for safe vehicular and pedestrian movement.

The proposed access point would require the relocation of an existing street lighting column. The applicant will be required to relocate this at their own cost in a position to be agreed by the Council's street lighting department.

The new access would require:

- A width of 6m
- 4.5m radii as a minimum
- Visibility achievable at 2m x 25m in both directions in accordance with Manual for Streets for a 20mph speed limit
- Dropped crossing with tactile paving

### *Transport Statement*

The Transport Statement indicates 85<sup>th</sup> percentile speeds of 20.6mph southbound and 20.4mph northbound. The average daily trips recorded for Bryn Rhedyn are 128 southbound and 136 northbound.

### *Vision Splays*

The vision splay requirement for a 30mph speed limit area in accordance with Manual for Streets is 2.4m x 40m.

However, since the applicant has submitted a speed survey indicating 85<sup>th</sup> percentile speeds of 20.6mph, which would require vision splays of 2.4m x 25m, this can be achieved within the existing highway limits and is acceptable.

The proposed new access is a substantial betterment to the existing access from the site which is directly onto the B4278 Penrhiwfer Road and has sub-standard visibility splays at the junction of 2.4m x 7m left and 2.4m x 17m right, which is of significant concern. There is also a lack of suitable segregated footway facilities for the existing access to serve a residential use.

### *Swept Path*

Swept path analysis contained within the Transport Statement indicates that service and delivery vehicles can access / egress the site safely, using the car park aisle width as a turning facility, which is acceptable.

### *Existing Culverted Access Point.*

The existing Penrhiwfer Road access referred to above, crosses the culverted watercourse. Without a comprehensive assessment of the existing culvert it is not anticipated that the private structure would withstand the type of vehicular loading associated with residential use (bin waste, fire tender, large delivery vehicles etc).

### *Parking*

In accordance with the Council's SPG documents for Access, Circulation & Parking and Flats, the proposed 14 x one-bed apartments would require 14 x off-street car parking spaces for residents and 2 visitor spaces. The proposed car park provides for 15 x off-street spaces.

Considering the sustainable location close to public transport and the retail area of Tonyrefail, with the potential for short term visitor parking to take place on street, the proposed car parking provision is acceptable.

### *Cycle Parking*

The proposed development provides for 14 no. secure cycle stands to promote sustainable modes of transport and mitigate the reliance on private motor vehicle as the primary mode of transport.

### *Travel Plan*

Contained within the Transport Statement is a residential travel plan indicating information relating to sustainable modes of transport and local facilities to reduce reliance on the private motor vehicle as the primary mode of transport which is acceptable. A condition is recommended in this regard.

### *Conclusion*

The proposed development would result in the closing up of the existing sub-standard access off Penrhiwfer Road and providing for primary access from Bryn Rhedyn which is acceptable for safe vehicular and pedestrian movement. Parking provision would be provided in accordance with the Council's SPG Access, Circulation & Parking.

The development would therefore be considered acceptable subject to several highway related conditions, as set out further below.

## **Ecology**

The I&G Ecological Consulting bat survey of August 2021, which included a building inspection and a dawn emergence survey, together with its subsequent report, dated April 2022, has been reviewed for this site.

The survey concluded that there was no bat roost use of the building and no nesting bird use. At the request of the Council's Ecologist, given the time that has passed since it was undertaken, a further check of the building took place which also found no evidence.

The Council's Ecologist has since confirmed that providing a condition is applied in respect of the precautionary bat method statement and requirement for control of site lighting in Section 5.0 of the survey report, together with the nesting bird and bat roost enhancement outlined in Section 4.2, there would be no objection.

## **Other matters**

The public consultation highlighted a number of other concerns, which are set out below.

#### *WDQR Standards*

As an affordable housing development, the proposed development would be dependent upon Social Housing Grant. In order to receive those funds, the space standards set out by the Welsh Government's Welsh Development Quality Requirements would have to be met.

A query was raised about the size of the flats. However, it is understood that the minimum standard of 50m<sup>2</sup> can be relaxed if the plans showing the flat layout can demonstrate that minimum furniture requirements can be accommodated and internal circulation space is acceptable.

In any event, it is considered that whether or not a development is WDQR compliant is a matter for the developer to demonstrate to Welsh Government, or risk losing funding.

#### *Infrastructure and local services*

Concerns relating to local infrastructure in the Tonyrefail area were highlighted, including healthcare, school, water and sewerage facilities and so forth. In this regard, no objections were received from any of the statutory consultees, including the South Wales Fire and Rescue Service and South Wales Police.

The issues relating to waiting lists for hospital treatment, or GP and dentistry capacity for example, are well-reported and also apply to areas where little or no development has taken place.

Furthermore, consultation on the LDP was undertaken on the basis of there being a total dwelling supply over the plan period of between 14,936 to 15,386 new units, whereas the number delivered has been far lower at circa 7200. This scheme of 14 flats is a very small proportion of that larger housing requirement.

#### *Need for the development*

The Council's Housing Strategy Team has advised that this social rented scheme has been designed by Newydd HA, in dialogue with them, to help address the need for additional affordable housing within Tonyrefail, and that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

#### *Procedural matters*



The application was advertised in excess of the requirements of the Development Management Procedure (Wales) Order by the use of direct notification, site notices and a press notice.

Members will note the request from objectors to undertake a site visit.

#### *Property values*

A number of objectors have raised concerns about the potential devaluation of their properties that the development would cause. However, this is not a matter material to planning.

#### *Loss of light*

Whilst overshadowing and outlook are material to a decision, and are discussed in the report further above, loss of light is not. This matter is subject to separate non-planning legislation as per the Prescription Act of 1832.

Nevertheless, since the development is of a similar size, location and form to the building currently occupying the site, albeit further away from no.19 Bryn Rhedyn and slightly lower, it is not considered that it would cause a loss of daylight.

#### *Boundary and wall*

A query was raised about the position of the boundary and concern that the development would be built on top of an existing boundary block wall.

A small inaccuracy relating to the position of the site boundary on the original plans has been corrected. The plans do not show that two parking spaces would extend beyond the boundary.

Regarding the suggestion that an existing block wall, in poor condition, would be used as part of the development, the footprint of the building would not be directly above this wall or the site boundary. Site section drawing CC evidences this and any concerns relating to the foundations of the development would be a matter for building regulations approval.

#### *Personal Health Issues*

The complex health issues identified by an objector, relating to the element of change, noise and disturbance etc. are acknowledged and are clearly of a significant concern and very personal to that family.

Nonetheless, the Applicant's fallback position is a relevant consideration and as reflected earlier in the report this principally relates to reuse of the building within the scope of Use Class B8.

Whether for storage or as a distribution centre, either on a similar basis to that of the previous occupier as a warehouse, or by a new occupier, this would represent an element of change to the status quo and result in the resumption of some form of activity at a site that has seen very little activity in recent years.

It is also worth noting, as a general principle, that the Planning Authority would be likely to resist new development proposing B2 or B8 uses in close proximity to residential properties due to concerns of compatibility and residential amenity i.e., since such commercial uses have the potential to be unneighbourly and operate at unsocial times. A long-term residential use of the site would therefore be considered to be preferable.

Furthermore, should the current or future owner decide that the extant warehouse was no longer fit for purpose, planning permission would not be required to demolish it and the Prior Notification procedure would apply. Since the site occupies a sustainable location within the settlement boundary, both national and local planning policy carries a strong presumption in favour of the principle of the development.

Section 149 of the Equality Act 2010 requires a that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant characteristic and those who do not share it. Protected characteristics include disability.

Taking into account the equality duty it is considered that the health issues identified would not be of sufficient material weight to justify a recommendation of refusal, although it is considered reasonable that the scope of the proposed condition requiring pre-commencement approval for a Construction Method Statement be increased to cover working hours, measures for the control of noise and details of site lighting.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, the proposed development is considered to relate in particular to the following aspects of the national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for this edge of centre location and as a social housing scheme would contribute to the affordable housing requirement within the Northern Strategy Area.
- **Making Best Use of Resources:** The development accords with the local and national policy aims to prioritise the use of previously developed land and buildings.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs.
- **Maximising Environmental Protection:** The development would be expected to include a condition for biodiversity enhancement measures with regard to bats and nesting birds
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being close to a bus route and services and facilities located within walking distance in Tonyrefail town centre. It would therefore not be car dependent.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

### **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 2 of Rhondda Cynon Taf's Residential Charging Zones where there is a liability of £40m<sup>2</sup> for residential development.

The CIL (including indexation) for this development is expected to be £ 25,389.12.

However, social housing relief may be claimed on the social housing element of the development and therefore no CIL would be payable.

### **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.

Welsh Office Circular 13/97 Planning Obligations provides 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 only intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case**

In this case the proposed development, on behalf of the Newydd Housing Association, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement would be required to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

### **Conclusion**

As the preceding sections of the report note, it is considered that the proposed development and residential land use would, in principle, be acceptable.

The design, massing and scale of the new building, its relationship with the surrounding development and impact on the character and appearance of the locality, would be considered to be an improvement, and no other concerns were raised by statutory consultees, particularly with regard to access and highway safety.

Finally, the position of the development relative to the nearest neighbouring properties would not be harmful to residential outlook and amenity, and therefore the development is considered to be acceptable.

**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT**

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:

- Proposed Site Plan 1590-PL2-04 Rev. A
- Floor and Roof Plans 1590-PL2-05
- Elevations 1590-PL2-06
- Site Sections 1590-PL2-07
- Bins and Bike Store 1590-PL-09 Rev. A
- Soft Landscape Proposals 1152.01 Rev. C
- Car Park Lighting Design SHD607-SHD-HLG-FRUI-DR-EO-Lighting Layout-R1

and details and documents received on 15th March 2023, 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 until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

i) How the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15.

ii) A drainage strategy with associated calculations demonstrating the pre and post-development surface water discharge rates from the site and a general arrangement of the catchment and proposed drainage system.

The development shall be carried out in accordance with the approved details prior to beneficial occupation of any unit.

Reason: To ensure that surface water runoff from the proposed development does not cause or exacerbate the flood risk on the development site or elsewhere and does not increase the number of residents at risk of surface water flooding, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- i) Engineering details of the car park entrance including un-controlled pedestrian crossing point.
- ii) Details of a scheme to relocate the streetlamp column affected by the proposed access.
- iii) Details of a scheme for the stopping up of the existing vehicular access from Penrhiwfer Road.
- iv) Details and design calculations of any retaining walls abutting the highway.

All works shall be carried out in accordance with the approved details prior to beneficial occupation of any unit.

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

6. No development shall commence, 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) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site,
- h) hours of operation,
- i) measures for the control of noise from demolition and construction,
- j) site lighting during demolition and construction.

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 Rhondda Cynon Taf Local Development Plan.

7. No development shall commence, including any works of site clearance, until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Daily visual inspection of the Nant Cae'rgwerlas to ensure pollution prevention.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development for the protection of the environment during construction, in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until a scheme to deal with contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person and shall assess any contamination on the site, whether or not it originates on the site.

The scheme shall include:

- (i) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- (ii) An intrusive site investigation to assess the extent, scale and nature of contamination which may be present, 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) If required, a written method statement for the remediation of contamination affecting the site and justification for the preferred remedial option(s).

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. Prior to beneficial occupation:

i) Any measures approved in the contamination remediation scheme referred to in Condition 8 (iii) shall be implemented.

ii) If any remediation measures were required to be implemented a suitable validation report of the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a suitably qualified competent person.

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

10. Prior to beneficial occupation of each unit the Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:

a) 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;

b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;

c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;

d) Local and national cycle routes; and

e) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with PPW11.

11. Prior to beneficial occupation of any unit the means of access, together with the car parking facilities and cycle stands, shall be laid out in accordance with the submitted site plan 1590-PL2-04. The parking spaces shall be surfaced in permanent material and retained thereafter for the parking of vehicles.



Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to beneficial occupation of any unit, the proposed first floor windows within the north-east facing side elevation shall be fitted with obscure glazing to an industry standard of privacy level three or above and be permanently retained in that condition thereafter.

Reason: In the interests of the privacy and amenity of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. The development shall be carried out in accordance with Sections 4.2 and 5.1 of the Bat Survey Report (I&G Ecological Consulting Version 1 dated 13th April 2022). The bat and bird box enhancement measures outlined on drawing number 1590-PL2-08 shall be installed prior to beneficial occupation of any unit.

Reason: In the interests of biodiversity, European Protected Species and the natural environment in accordance with PPW11 and Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

14. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policies AW5 and 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 Local Planning Authority prior to the work recommencing.

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

16. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

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

## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0312/10 (HB)  
**APPLICANT:** Mr J Starkey  
**DEVELOPMENT:** Proposed garage  
**LOCATION:** LAND ADJACENT TO TYDFIL HOUSE, HIGH STREET, CYMER, PORTH, CF39 9ET  
**DATE REGISTERED:** 20/03/2023  
**ELECTORAL DIVISION:** Cymer

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#### RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

**REASONS:** The erection of a garage for domestic use within this lane location is considered an acceptable form of development that complies with the requirements of planning policy.

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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 construction of the following at land adjacent to Tydfil House, Porth.

- 1 no. detached garage at the north-west edge of the site, set back from the north curtilage boundary by 2.6m. The garage would be 5m in width, 6m in depth, and would have a mono-pitched roof with a ridge of 3.6m at the front falling to 2.7m at the rear. It would be finished with profiled steel roof sheeting and sand render.
- There would be a 4m wide roller shutter door to the front along with a 4m wide area of consolidated hardcore as a means of access.

#### SITE APPRAISAL

The site is a vacant area of land at the edge of the settlement in this area of Porth, outside of but directly adjacent to the settlement boundary. Access is off an unclassified track via High Street located to the west. The site is directly to the east

of Tydfil House, with the rear gardens and garages of properties along High Street to the north. The unclassified track continues to the east where there is an area of woodland. Land to the rear forms part of the Trebanog Slopes SINC (Site of Important Nature Conservation).

The site is a large area of scrubland with a boundary picket fence and access gate to the front which is slightly banked from the access track. There are various examples of garages within the vicinity of varying appearance and scale.

## **PLANNING HISTORY**

No recent or relevant planning history within the previous 10 years.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. 6 objections have been received making the following comments (summarised):

- Loss of amenity and overshadowing
- Impact to habitat and ecosystems
- Increase in footfall
- Building work pollution and disturbance
- Drainage/ flooding impact
- Potential crime to property

## **CONSULTATION**

Highways and Transportation Section: Raise no objection, subject to the imposition of conditions.

## **POLICY CONTEXT**

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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

The site is outside of but directly adjacent to the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**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. In addition, 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. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

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

#### Supplementary Planning Guidance

1. Design and Placemaking
2. 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.

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

1. Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
2. Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

Other national policy guidance considered:

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 development**

The application seeks permission for the erection of a detached garage at the site for domestic use. While it is accepted the site is located outside of settlement limits it is located directly adjacent to the settlement boundary and off a rear lane, in an area that relates more with the adjacent urban area to the north than the countryside to the south. Such developments are commonplace in these locations and similar examples are apparent in the wider locality. As such, it is not considered the structure would be out of keeping with its surroundings and given the relatively minor scale and domestic use, would generally comply with planning policy and is acceptable in principle.

#### **Impact on highway safety**

In relation to the impact on highway safety, the objectors have raised concerns with regard the potential impact the proposal could have on the junction with High Street which also serves a nearby school. However, following consultation and assessment of the scheme the Highways and Transportation section have no objection to the proposal. It was noted in their comments that the proposed access is acceptable and that the garage would provide off-street parking in an area of high demand which is acceptable. It was noted however that a condition should be added to any consent restricting the use of the garage to domestic purposes only as the access lane is not suitable for commercial use. It is considered this condition is reasonable and is therefore set out below. The scheme is therefore considered acceptable in this regard.

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

In terms of visual amenity, the site is outside of but directly adjacent to the settlement boundary of Cymer and therefore any development here will undoubtedly alter the site's semi-rural character and appearance. However, the garage would occupy a currently disused and unmaintained site in what is essentially a rear lane location adjacent the curtilage boundary of Tydfil House whereby the garage would occupy a space close to an existing similar outbuilding at Tydfil House.

The structure is single storey in nature and would utilise acceptable finishing materials, consistent with a standard domestic garage style. Furthermore, there are several garages within the immediate street-scene of the lane many of similar design and scale to that proposed. As such, given the relatively minor scale of the structure it is unlikely to significantly alter the character of the area or exiting views enjoyed by residents, being seen as an extension to the existing outbuildings nearby.

It is therefore considered that the proposal would have no adverse impact on the character or appearance of the site or existing locality.

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

In terms of the impact on existing levels of residential amenity, the scheme is considered acceptable.

Comments have been received with regard to the impact upon the amenity of Tydfil House, however, the new structure would be erected adjacent to an already existing outbuilding of Tydfil House which would ensure no undue overshadowing or overbearing impact would occur. Furthermore, the condition suggested by Highways and Transportation relating to the domestic use of the garage only will further ensure the amenity of the residents is not impacted significantly, limiting movements associated with it. There are also no concerns with regard privacy as there are no side elevation windows proposed.

It is accepted there will be a degree of impact to surrounding residents during the construction phase, but this will be over a short period of time only and would not be significant given the minor scale of the proposal.

It is therefore considered that the proposal would have no adverse impact on the residential amenity of residents.

### **Ecological impact**

Concerns from residents have been raised with regards to the impact upon the local wildlife, given the site's location adjacent to the SINC. The Council's Ecologist has been consulted on the matter and has not raised any concerns or requested any ecological work given the existing state of the site and minor works proposed.

### **Other matters**

#### **Flooding**

Concerns from residents have been raised with regards to potential flooding of the site. While these comments are acknowledged, given the very minor nature of the structure it is not considered it would result in any further surface water issues in the area than that which already occur.

### **Crime**

The objector's have commented that the proposed garage could result in additional crime in the area. No evidence has been submitted to substantiate this view, but in any case, it is not considered the construction of a domestic garage would increase levels of crime in the area.

### **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**

The siting of a domestic garage in this location is considered an appropriate and acceptable form of development which is considered to comply with the relevant requirements of planning policy.

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

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 plan(s) no(s):

- Application form dated 20/03/2023
- Proposed erection of a domestic garage of land adjacent to Tydfil house at the rear of High street, Cymmer, Porth: Proposed and Existing elevations and plans, Scale 1:50

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



3. The garage, hereby approved, shall be used only for domestic storage. At no time shall it be converted to independent living accommodation and no business shall be carried out therein.

Reason: The garage would be unacceptable for independent residential or commercial use and to protect the amenities of neighbouring residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0408/10 (GRD)  
**APPLICANT:** Mr Clayton  
**DEVELOPMENT:** Proposed two storey side extension and a single storey rear extension together with internal alterations  
**LOCATION:** 6 MAES IFOR, TAFF'S WELL, CARDIFF, CF15 7AS  
**DATE REGISTERED:** 12/04/2023  
**ELECTORAL DIVISION:** Taff's Well

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#### RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS.

**REASON:** The proposed works are considered acceptable in terms of their overall scale, design, and visual appearance. Furthermore, the extensions are considered to have an acceptable impact upon the amenity and privacy standards currently enjoyed by the occupiers of the immediate neighbouring properties, and the works would have an acceptable impact upon highway safety. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

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#### REASON APPLICATION REPORTED TO COMMITTEE

- Letters of objection from three or more individuals have been received.

#### APPLICATION DETAILS:

This application seeks full planning permission for a two-storey side extension and single-storey rear extension at 6 Maes Ifor, Taff's Well.

The two-storey side extension would protrude approx. 3.8m from the side of the property and would measure approx. 8.3m in depth. The extension would be set back approx. 0.2m from the front of the existing property. The extension would have a gable-end roof design and would measure a height of approx. 4.6m to the eaves and 7.9m in height to ridge.

The single-storey rear extension would extend approx. 2.3m from the rear of the property and would span the full width of the extended dwelling at approx. 9m in width.

The rear extension would have a mono-pitched roof and would measure approx. 2.3m in height to the eaves and 3.6m in height to ridge.

The works would allow the internal reconfiguration of the property, with a large kitchen area and living room provided to ground floor and an additional bedroom and en-suite provided to first floor. The number of bedrooms at the property would be increased from three to four.

Externally, the extension would be finished in buff facing brickwork, with tiles to the roof to match existing and reconstituted heads and cills detailing to match the existing dwelling.

The works also include the provision of an additional car parking space to the front of the property.

Amended plans were received on 12/05/2023 which showed an additional car parking space to the front of the property.

#### **SITE APPRAISAL:**

The application property is a semi-detached two storey dwelling located within a modern residential estate in Taff's Well. The property is set back from the highway by a front garden and benefits from an enclosed garden to the rear with a driveway running down the side of the dwelling.

The property is bound to the north by the adjacent highway, with a private road to the east leading to several dwellings to the rear of the site. To the south of the site are neighbouring properties and their associated amenity spaces and parking spaces.

The property is attached on its western elevation by its adjoining property, with other neighbouring dwellings positioned approx. 9m to the south, 9m to the east and 21m to the north of the application dwelling.

Properties within the street are a mix of two-storey detached, semi-detached and modern terraced dwellings of a similar style and scale to the application property.

#### **PLANNING HISTORY:**

05/1813/13: LAND TO THE SOUTH OF TAFFS WELL RFC, GLANYLLYN, NR CARDIFF. '*Proposed residential development, including element of affordable housing (outline) (amended red line site boundary plan received 23/03/06)*'. Granted, 05/03/2007

07/0830/16: LAND OFF MOY ROAD, TAFFS WELL, CARDIFF. '*Construction of 48 houses, garages and associated works. (Amended description)*'. Granted, 20/07/2007

**PUBLICITY:**

The application has been advertised by direct notification letter to neighbouring properties. Letters of objection from three individuals have been received, the points raised have been summarised below.

- Concerns that a new gate may be constructed opening onto the adjacent private lane;
- Concerns with a loss of parking space at the application property;
- Concerns that the adjacent private road would be used for construction works. Obstructing the private road would impact several houses;
- Concerns of disruption to the adjacent shared private road which is the sole access to several properties and that scaffolding may be erected on the private road;
- Concerns that construction work would not be limited to weekday working hours between 8-6;
- Queries and concerns as to how the applicants would access their rear garden space;
- Concerns with impacts of development on highway safety and impact on visibility at the junction to the private road;
- Concerns that the extension would encroach upon and impact/ damage a retaining wall supporting the adjacent private road;
- Scale of the extension appears disproportionate to the surrounding buildings and the use of obscurely glazed windows is out of character;
- The reduction in length for the rear garden is out of character for the area;
- Loss of privacy, consider that the open plan living area would compromise privacy for current and future occupants of the application dwelling itself.

**CONSULTATION:**

Taff's Well Community Council

No Comments

Local Highway Authority

No Objections, Subject to Condition

**POLICY CONTEXT:**

Rhondda Cynon Taf Local Development Plan:

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before

4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within settlement boundary limits.

**Policy AW5 – New Development:** This policy sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 – Design and Placemaking:** This policy requires development to involve a high quality design and to make a positive contribution to place making.

Supplementary Planning Guidance:

A Design Guide for Householder Development  
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), 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.

Other policy guidance considered:

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 works to an existing residential property to provide additional living space for occupants of the dwellinghouse. All works are contained within the curtilage of the property. 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 is considered acceptable in terms of its siting, scale, design, and overall visual appearance.

The proposed side extension would be visible within the street scene. However, the side extension would be smaller than the host property and would be considered subservient in scale to the application property. The extension has a lower ridgeline to the existing dwelling, and the eaves height of the extension would not exceed the eaves height of the host property. The side extension is also sufficiently set back from the front of the property, which aids in the impression of subservience in comparison to the main house. The side extension is considered acceptable in terms of design and scale.

The rear extension is subservient in scale to the existing dwellinghouse. Furthermore, the rear extension would not form a prominent feature within the street and is considered acceptable in terms of its design and prominence.

Materials proposed are also considered acceptable and would blend well within the locality.

Whilst the proposed extension would be built on top of the property's driveway and rear garden, and concerns raised by objectors noting a reduction in garden length, an adequate area of garden space would be retained at the site and the works would not be considered overdevelopment of the site.

Concerns were raised by objectors regarding the scale of the extension and the inclusion of some obscurely glazed windows; however, as discussed above, the extension would be considered subservient in scale to the existing dwellinghouse and is acceptable in terms of scale and design.

The development is considered compliant with the principles and guidance outlined in the Council's 'A Design Guide for Householder Development' SPG and the works would be considered to have an acceptable impact on the character and appearance of the existing dwelling and the wider area.

**Impact on residential amenity and privacy:**

The proposed front and rear fenestration would overlook the property's own rear garden and front driveway and would not greatly alter the outlook which is currently gained from the application property. A first-floor side facing window is proposed, which would serve as a secondary window for a bedroom. However, that window would only overlook the adjacent private road, a neighbour's driveway, and the windowless side elevation of a neighbouring property. As such, the proposed side facing window is considered acceptable and would not significantly increase levels of overlooking.

The proposed two-storey side extension is set away from neighbouring properties and would not be considered to harm the amenities of neighbouring occupiers through loss of light or by ways of overbearing. The single-storey rear extension is small in scale and due to its design would not be considered overbearing nor would it significantly overshadow neighbouring properties.

Objectors raised concerns that future occupants of the application dwelling itself would lose privacy due to the bi-folding doors and skylights proposed to the single-storey rear extension. However, it is considered that occupants of the application property would still benefit from adequate levels of privacy.

Overall, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered acceptable as it would not result in an undue loss of light or privacy or have significant overbearing impacts upon surrounding residential dwellings.

**Highway Safety, Access, and Parking:**

The side extension would be built on top of an existing driveway to the side of the property, and as such, consultation was undertaken with the Local Highway Authority to fully assess the impacts of the development on highway safety, access, and parking. Amended plans were provided on 12/05/2023 which showed an additional parking space provided to the front of the property.

Access:

Pedestrian and vehicular access would be provided via Maes Ifor with an existing vehicular crossover provided at the site, which is considered acceptable. The applicant proposes an additional parking space fronting the property which will utilise the existing vehicular crossover. Some concern is raised by the Local Highway Authority



that the proposed parking space is parallel to the highway with means to provide a parking space 90° to the highway.

Concerns were also raised by objectors that the extension and loss of parking space would impact visibility at a junction to a private drive to the east of the site. However, no such concerns were raised by the Local Highway Authority.

Parking:

The existing property is a 3-bedroom dwelling which has a parking requirement of 3no. spaces in accordance with the 'Access, Circulation & Parking Requirements' Supplementary Planning Guidance (SPG), with 2no. parking spaces provided resulting in a shortfall of 1no. parking space.

The proposed extension would not be considered to increase the parking requirement, in line with guidance contained within the aforementioned SPG; however, the development would remove 1no. off-street parking space to the side of the property. The applicant therefore proposes an additional 1no. parking space to the front of the property to replace the parking space lost, which would result in a shortfall of 1no. parking space.

Concerns were also raised by objectors regarding the loss of a parking space at the application site. It was noted that the loss of a parking space was contrary to the Access, Circulation & Parking Requirements SPG and would be detrimental to highway safety.

Highway Safety Conclusion:

Some concern is raised by the Local Highway Authority that the proposal would result in a shortfall of 1no. parking space and that the proposed parking space would be parallel to the highway. However, taking into consideration that the proposal would not increase the parking requirement and that an additional parking space is provided to compensate for the loss of the parking space to the side of the property, the proposal is considered acceptable, and no objections were raised by the Local Highway Authority, subject to condition.

**Other Matters:**

Objectors raised concerns regarding how occupants of the dwelling would access the rear garden of their property, with concerns that a new pedestrian access to the garden would be constructed in future. However, no pedestrian access is proposed as part of this planning application and access can be gained to the rear garden through the property.

Third party comments were also received querying whether the construction phase would be limited to weekday working hours between 8-6. However, when considering

the scale of works, which is for a domestic extension to an existing dwelling, it would not be considered necessary or reasonable to impose planning conditions relating to working hours at the site.

Letters of objection were also received outlining concerns regarding the impacts of the construction works on a shared private drive/ road to the east of the site. The private road is the sole vehicular access to 5no. properties to the rear of the application site. Objectors raised concerns that scaffolding and building works could disrupt and impede access along the private road and restrict access to and from dwellings to the rear of the site. Whilst these concerns are noted, the issue of utilising private land for scaffolding and construction works would be considered a private matter between neighbouring properties and landowners.

Some objectors also noted that the extension could encroach upon and damage a retaining wall which supports the adjacent private road. However, all works proposed are contained within the applicant's land, and as such, any concerns raised with regards to the construction of the extension would be considered a private matter between neighbouring properties and landowners. Notwithstanding, an advisory note is recommended advising the applicant that all alterations shall be undertaken within the curtilage of the application site.

**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:**

The proposed works are considered acceptable in terms of their overall scale, design, and visual appearance. Furthermore, the extensions are considered to have an acceptable impact upon the amenity and privacy standards currently enjoyed by the occupiers of the immediate neighbouring properties, and the works would have an acceptable impact upon highway safety. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

**RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:**

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

- EXISTING PLANS, ELEVATIONS, SECTION AND LOCATION PLAN. Drawing No. 01
- PROPOSED PLANS, ELEVATIONS AND SECTION. Drawing No. 02 Rev. A. Received by Local Planning Authority 12/05/2023
- 

And documents received by the Local Planning Authority on 12/04/2023 and 12/05/2023, 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 Parking Spaces indicated on submitted drawing no. "02 Rev. A" shall be constructed on site in permanent materials 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 AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until samples of the external materials 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 sample(s) so approved.

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

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## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0202/10 (JE)  
**APPLICANT:** Mr Aspinwall  
**DEVELOPMENT:** Change of use from clinic to 5no. residential flats  
**LOCATION:** YSTRAD CLINIC, 14 TRAFALGAR TERRACE,  
YSTRAD, PENTRE, CF41 7RG  
**DATE REGISTERED:** 16/03/2023  
**ELECTORAL DIVISION:** Ystrad

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#### RECOMMENDATION: APPROVE

**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 proposed residential use would be compatible with surrounding land uses and would not result in an adverse impact upon the character of the site, the amenity of neighbouring occupiers or highway safety in the vicinity.

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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

Full planning permission is sought for the change of use from a clinic to 5no. residential flats at Ystrad Clinic, 14 Trafalgar Terrace, Ystrad, Pentre. The change of use would be facilitated through internal conversion only with no enlargement of the existing building. The only external changes relate to the creation of 2no. doors on the front elevation and the removal of an existing metal fire escape. The change of use would provide for accommodation over two floors with the following layout proposed:

##### Ground Floor

- Entrance hallway/lobby
- Bin Store
- Bike Store
- 2no. 1 bedroom studio flats

- 1no. 2 bedroom apartment

#### First Floor

- Communal Hall
- 2no. 2 bedroom apartments

### **SITE APPRAISAL**

The application property is a vacant clinic located along Trafalgar Terrace within a residential area of Ystrad, Pentre. The property is two storey in nature and occupies a prominent position within the street scene with the site extending to approximately 319m<sup>2</sup>. The property was formerly used as a community clinic by the NHS and appears to have been sat vacant for a number of years prior to the submission of the application. The building is set back from the highway at Trafalgar Terrace by an enclosed yard and benefits from an existing pedestrian and vehicular access from the highway. The site is bounded by the highway at Trafalgar Terrace to the west, an access lane to the north, No.15 Trafalgar Terrace to the south and an access lane to the east beyond which is a commercial property.

The surrounding area is predominantly residential nature although to the rear of the site is a commercial property operating as a training centre along with a number of commercial properties located along the A4058 to the north of the site.

### **PLANNING HISTORY**

There are no recent planning applications on record associated with this site.

### **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

1no. letters of objection has been received from a neighbouring occupier following consultation. The concerns raised have been set out below:

- Lane to the rear of the building is in regular use and access is required to serve an adjacent property.
- Parking in the terrace is already a concern
- Concern associated with potential damage to neighbouring property created by the building works.

### **CONSULTATION**

**Transportation Section:** No objection or conditions suggested.

**Flood Risk Management (Drainage):** No objection.

**Countryside (Ecology):** No objection or conditions suggested.

**Public Health and Protection:** No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

**Dwr Cymru/Welsh Water:** No objection although condition recommended in relation to surface water drainage.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Ystrad and isn't allocated for a specific purpose.

**Policy CS1** - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

**Policy AW1** - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

**Policy AW2** - supports development proposals in sustainable locations including sites within the defined settlement boundary.

**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 criteria for the protection and enhancement of the natural environment.

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

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

**Policy NSA13** – sets out the criteria for the rehabilitation/ conversion of large buildings in the Northern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking
- Development of Flats

### **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 policy guidance considered:

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.

## **Main Issues:**

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

The application relates to the change of use of a clinic into 5no. flats at Ystrad Clinic, 14 Trafalgar Street, Ystrad. The proposal would see the reuse of an existing vacant property which is located within the settlement boundary and within an established residential area of Ystrad.

The property is also located in close proximity to the local and neighbourhood centre of Ystrad. There is direct access to public transport links, with a bus stop located along the A4058 situated 24 metres to the north and additional bus connections and a Train station located within close proximity. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Taking the above into account, the principle of development is therefore acceptable subject to the criteria set out below.

### **Standard of accommodation**

The Council's Supplementary Planning Guidance (SPG) for the Development of Flats – Conversions and New Build advises that flats are unlikely to be acceptable where they are located solely in basements, or where habitable rooms would only have roof light windows. It also requires flats to have easy and safe access for all users and advises that access through rear lanes and entrances around the backs of buildings should be avoided wherever possible. It also advises that the Council will resist proposals that would create poor quality living accommodation and schemes should be refused for the above mentioned reasons.

In this instance the flats are of an acceptable size and each habitable room would have at least one window. Access is well overlooked and can be made from the surrounding pavements and roads and the property would benefit from acceptable bin and cycle storage locations. Whilst the proposal does not benefit from external amenity space, it is located close to nearby public open space that is easily accessible from the property. As such, the proposal is generally considered to meet the requirements set out in the SPG

In their comments the Council's Public Health and Protection Division set out some concerns in relation to ground floor apartment 1 and first floor apartment 2 as the main access in/out of the apartment is through a kitchen which is classed as a high risk

room. Whilst this is noted fire precaution works and means of escape from fire will need to be in accordance with current Building Regulations and Approved Documents

Taking the above into account the application is considered acceptable in this regard.

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

Other than the removal of an existing metal fire escape and the installation of 2no. doors on the front elevation at the location of existing windows, the proposal does not include any alterations to the external appearance of the property, nor does it involve any construction work to increase the footprint. Consequently, it would not have any impact on the character and appearance of the application property or the wider area.

In addition, the reuse and renovation of the property is likely to have a positive impact upon the external appearance of the site which is currently vacant and in need of general care and repair.

As such, it is considered that the proposals will not detract from the character or appearance of the area and are considered acceptable in this regard.

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

The proposed conversion would not involve any extensions or physical alterations to the external appearance of the property. As such, it is not considered that it would have any additional overbearing, overshadowing or overlooking impact on the nearest residential properties.

With regard to the proposed use of the building as residential property, it is not considered that this would result in any detrimental impact to the existing amenity standards currently enjoyed by residents of the surrounding properties. Whilst it is accepted a degree of noise/disturbance would inevitably occur, any potential impact would be typical of such a residential use and is considered a betterment to the previous use a clinic and other D1 uses which could occupy the property without planning permission.

Taking the above into account, the proposal is not considered to significantly impact upon the privacy and amenity standards currently enjoyed by neighbouring occupiers and is considered acceptable in this regard.

### **Transportation Section**

The Council's Transportation Section were notified during the consultation period in order to consider the impact of the proposal upon highway safety and parking provision. The following comments were received:

#### Access

Trafalgar Terrace has a carriageway width of 7.6m with 1.7m pedestrian footway links. There is high demand for on-street car parking within the residential streets due to the nature of terraced housing with limited or no off-street car parking provision. There are parking restrictions in the form of double yellow lines preventing on-street car parking at the junction of Trafalgar Terrace and the A4058 to maintain free flow of traffic.

### Parking

Existing Use Clinic.

Health Centres & Surgeries 1 space per practitioner (See Note 3) 1 space per 3 ancillary staff & 3 spaces per practitioner. There is potential for up-to 12 practitioners to work within the premises requiring 48 spaces with up-to 6 additional staff. Therefore, the proposed building could potentially operate under its existing use class requiring in the region of 50 off-street spaces with 1 provided.

Proposed Residential

The proposal seeks permission to transform the disused former Ystrad Clinic into three 2 bed apartments and two 1 bed studio apartments with communal bike and bin storage facilities. In accordance with the SPG Flats 2015 the proposed requires 1 space per bedroom. Therefore, the total required for the proposed use is 8 for the flats and 1 visitor taking the total required to 9 with 1 provided.

### Sustainability

The proposed is located within easy walking distances of local facilities with both bus and rail stops a short walk from the proposed placing less reliance on the private motor vehicle.

The applicant has undertaken a sustainability check in accordance with the South Wales Parking Guidelines 2014 for which the council's SPG is based on. The sustainability score is below: -

Post office located at number 22 Gelligaled Road = 240m total trip = **2 points**

Ysgol Hen Felin = 560m total trip = **1 point**

(other notable facilities in the immediate area are Ysgol Gynradd Gymraeg Bodringallt 600m total trip, Sheppard Pharmacy Ystrad 260m total trip and Nisa Local 280m total trip) Public Transport

Ystrad Rhondda Train Station – 700m total trip = **1 point**

Cycle Route – N/A

Frequency of Public Transport

Bus stops 'Ystrad Rhondda o/s Post Office' 200m total trip and 'Ystrad Rhondda adj Clinic' 120m total trip both located on Gelligaled Road share buses timetabled between the hours of 7am – 7pm at the frequency of 10 minutes = **3 points**. (Please refer to Appendix A for timetable)

### **Total Sustainability Points = 7**

The reduction in parking requirement states for residential developments, if 7 sustainability points are achieved, 1 space per dwelling may be reduced. We therefore are left with a requirement of 4 parking spaces (3 residents and 1 visitor). There is currently a dropped kerb and space on site for 1 vehicle (visitor), the remaining 3 spaces would therefore be required to park on the road.

### Conclusion

There is concern that the proposed does not comply with the car parking requirement as set out in the council's SPG Flats 2015. However, taking into account the proposed is for conversion of an existing building with no potential to provide additional off-street car parking, the existing use would generate substantially more on-street car parking and vehicular trips to and from the clinic than the proposed use which is located in a sustainable location reducing reliance on the private motor vehicle as the primary mode of transport the proposed conversion to flats is considered acceptable.

### **Ecology**

Following consultation, no objection was raised to the proposal by the Council's Ecologist who set out that as the change of use would not see works to the roof and/or loft space then no ecological assessment is required and an appropriate but informative note should be attached any planning permission as a precaution.

### **Public Health & Protection**

The Council's Public Health and Protection Division have raised no objection to the proposal, however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not necessary. An appropriate informative note would be sufficient

In their response it is also set out that if the apartments were let to a minimum of 3 individuals forming 2 or more households then the apartments would be subject to HMO Licensing.

### **Drainage**

Whilst Welsh Water raised no objection to the proposal, they requested a condition be attached to any consent with regard to surface water drainage. However, in this

instance the proposal would see no increase in the external footprint of the property or any works that would impact upon the current drainage arrangements. As such, it is considered that such a condition would be unreasonable and not required.

### **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**

The principle of development at the site is considered acceptable. Furthermore, the proposal is considered acceptable with regard to its impact upon the character and appearance of the area, the residential amenities of surrounding neighbours and highway safety within the vicinity of the site. As such, the application is considered to generally comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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

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 Plan numbers:
  - Site Location Plan – Received 23/02/23
  - Proposed Site Plan Rev A – Received 23/02/23
  - Proposed Ground & First Floor Rev D – Received 05/06/23
  - Proposed Front and Rear Elevations Rev B – Received 05/06/23
  - Proposed Side Elevations – Received 23/02/23

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. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the

dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

## PLANNING & DEVELOPMENT COMMITTEE

22 June 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0988/10 (KL)  
**APPLICANT:** LS Storage  
**DEVELOPMENT:** Change of use to B8 for use as a storage facility (storage containers and caravans). (Preliminary Ecological Appraisal rec. 13/05/2021)  
**LOCATION:** FORMER PUROLITE SITE, COWBRIDGE ROAD, PONTYCLUNN.  
**DATE REGISTERED:** 09/11/2020  
**ELECTORAL DIVISION:** Talbot Green

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**RECOMMENDATION:** Refuse

**REASON:** Whilst the proposed development would not have any adverse impact upon the character and appearance of the site or the surrounding area, the amenity and privacy of residential properties, or upon highway safety in the vicinity of the site, insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact upon the ecology of the site.

The application would therefore fail to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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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

Full planning permission is sought for the change of use of the site to a self-storage facility consisting of both storage containers and parking bays for touring caravans.

The existing access to the site, which is located off a private road between the site and the existing Leekes building (off Cowbridge Road), would be retained and would

form the only access to the site. A cantilever gate (electrified) would be installed at the entrance which would measure 5 metres in width by 2.4 metres in height.

The plans submitted with the application indicate that the site would consist of the following:

- 153 storage containers measuring 6 metres in length, 2.4 metres in depth and 2.5 metres in height.
- 12 storage containers measuring 3 metres in length, 2.4 metres in depth and 2.5 metres in height.
- 44 parking bays for touring caravans (8 metres in length and 3m in width).
- One gatehouse at the entrance to the site.

The containers and parking bays would be arranged around internal roadways within the site. A total of 10 lighting posts would be installed around the perimeter of the site with industrial floodlights attached.

The application is accompanied by the following:

- Preliminary Ecology Survey
- Lighting Specification
- Gates Specification.

## **SITE APPRAISAL**

The application site relates to a vacant parcel of land which is located adjacent to the junction between the A473 and the A422 (Cowbridge Road) in Pontyclun. The site is irregular in shape and measures approximately 0.9 hectares. It is relatively flat in ground profile and predominantly comprises of hardstanding with some areas of scrub. The perimeter of the site is defined by a number of trees to the north, west and south. Access to the site is off the private road to the south.

The site is bound by the A473 to the north, the A422 (Cowbridge Road) to the west, a private road to the south and an undeveloped area of land to the east. The private road to the south also provides access to the existing Leekes store which is located further south. A car sales garage is situated opposite the site on Cowbridge Road (to the west) whilst residential properties and an Extra Care facility are situated approximately 60m to the north.

## **PLANNING HISTORY**

The following applications are on record for this site:

18/1394	J H Leeke and Sons Ltd, Cowbridge Road, Talbot Green	Demolition of existing store and construction of replacement store, mixed	Granted 21/02/20
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17/0559	Land Adjacent to Cowbridge Road and A473, Talbot Green, CF72 8XU	<p>retail floorspace and foodstore, together with associated access, car parking and other facilities (Coal Mining Risk Assessment received 14 January 2019)</p> <p>Section 73 application seeking the variation of Condition 2 as imposed on outline planning permission 11/1330/13 (Development of new town centre comprising: a 10,801sq m gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sq m gross retail floor space (Class A1); 600sq m gross cafe space (Class A1); 1,000sq m financial/professional service space (Class A2); 2,390sq m gross food and drink space (Class A3); 1,400sq m gross office space (Class B1); 750sq m gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works) to allow additional time for the submission of reserved matters and the commencement of development.</p>	Granted
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14/1128	Sainsburys Supermarkets Ltd, Land South of A473, Talbot Green	Variation of Condition 2 and removal of Conditions 47, 48 and 49 of planning permission 12/1102/10 to allow minor alterations to the approved plans comprising a reduction in net sales area, internal and external alterations to the approved store and alterations to the layout of plant within the service yard	Granted 31/08/18
12/1102	Land South of A473, Talbot Green (North - East Of Leekes Dept Store).	Erection of a supermarket (class A1), service yard, car park, petrol filling station, new customer access road and new access from A473 and associated development (Amended vehicular and pedestrian accessibility, landscaping and elevation plans received 18/02/13).	Granted 27/11/13
11/1330	Land Adjacent to Cowbridge Road and A473 (Inc Leekes Dept Store, Former Purolite Works And Staedtler Factory Site), Talbot Green, CF72 8XU	Development of new town centre comprising: a 10,801sq m gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sq m gross retail floor space (Class A1); 600sq m gross cafe space (Class A1); 1,000sq m financial/professional service space (Class A2); 2,390sq m gross food and drink space (Class A3); 1,400sq m gross office space (Class B1); 750sq m gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings	Granted 24/12/14

		(Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works (Further information comprising - Environmental Statement addendum, Design and Access Statement addendum and revised plans received August 2012) (Transport Assessment Addendum Report received January 2013).	
05/1514	Purolite International Ltd, Cowbridge Road, Talbot Green, Pontyclun, CF72 8YL	Variation of Condition No 7 as imposed on Planning Permission Ref. 04/1820 (Remediation Works) to allow a raised clean up target for Ethyl Benzene to 300 mg/kg (amended description 05/05/06).	Granted 21/07/06

## PUBLICITY

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site. No letters of objection or representation have been received.

## CONSULTATION

The following consultation responses have been received:

**Countryside, Ecology and Landscape:** The Preliminary Ecological Survey is an appropriate assessment however it identifies the high potential for reptiles and a need for further survey work and mitigation. No further survey work has been submitted to support the application and the impact of the proposed development cannot be fully assessed.

**Flood Risk Management:** No objection or condition recommended. However, the development would be greater than 100m<sup>2</sup> and a separate application for Sustainable Drainage Approval will be required.

**Highways and Transportation:** No objection or condition recommended

**Natural Resources Wales:** No objection, subject to condition in relation to land contamination.

**Public Health and Protection:** No objection, subject to condition in relation to land contamination.

**Welsh Water:** Advise that the site is crossed by a trunk/distribution watermain which could be diverted under Section 185 of the Waste Industry Act 1991.

No other responses have been received.

## **POLICY CONTEXT**

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

The application site is located inside the defined settlement boundary for Talbot Green. It is located within the town centre and retail centre of Talbot Green as well as the Mwyndy/Talbot Green Strategic site boundary. The following policies are considered to be relevant to this application:

**Policy CS2 (Development in the South)** - sets out criteria for achieving sustainable growth that benefits RCT as a whole. This will be achieved by protecting the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

**Policy CS3 (Strategic Sites)** - identifies the County Borough's Strategic Sites which have been allocated to promote sustainable growth for residential, employment, retail and recreational purposes. The application site is identified as Strategic Site 7 (Mwyndy/ Talbot Green).

**Policy CS7 (Retail Development)** - sets out the County Borough's retail development allocations, detailing that Strategic Site 7 (Mwyndy/ Talbot Green) has an allocation of 23,400m<sup>2</sup> net.

**Policy AW2 (Sustainable Locations)** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5 (New Development)** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 (Design and Placemaking)** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8 (Protection and Enhancement of the Natural Environment)** -ensures that there would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks.

**Policy AW10 (Environmental Protection and Public Health)** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy SSA3 (Development in the Principal Town of Llantrisant/Talbot Green)** - sets out the criteria for development in Llantrisant/Talbot Green.

**Policy SSA8 (Mwyndy/Talbot Green Area)** - sets out the criteria for the development of Strategic Site 7 (Mwyndy/Talbot Green), allocating land for the construction of 500 no. dwellings, 15 hectares of employment land, 23,400m<sup>2</sup> net of new retail floor space, 10,000m<sup>2</sup> net of leisure floor space, a primary school, library/community facility, and informal amenity space in a landscape setting.

**Policy SSA16 (The Retail Hierarchy)** - identifies the retail hierarchy for the Southern Strategy Area with Llantrisant/Talbot Green being classed as a Principal Town Centre.

**Policy SSA17 (Retail Development in the Retail Centres of Principal Towns and Key Settlements)** - states that new and improved retail facilities and other appropriate uses will be permitted within the retail centre of Llantrisant/Talbot Green.

## **Supplementary Planning Guidance**

Design and Placemaking

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 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.

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 5: Nature Conservation and Planning;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The proposal relates to the change of use of the site to a self-storage facility which would include the siting of a number of storage containers and caravans at the site.

The key objective of national planning policy is that development is located in sustainable locations and this is further supported within the Rhondda Cynon Taf Local Development Plan with both Policies CS 2 (Development in the North) and AW 2 (Sustainable Locations) supporting development within sustainable locations and within the defined settlement boundaries. Whilst the proposal would generally comply with the sustainable objectives of these policies, it is noted that the site is identified as a Strategic Site (Strategic Site 7 - Mwyndy/Talbot Green Area) within Policies CS 3 (Strategic Sites) with SSA 8 (Mwyndy/ Talbot Green Area) indicating that the application site and the area immediately surrounding it is allocated for retail purposes (23,400 m<sup>2</sup> net of retail floorspace).

Given that this proposal is not for a retail use, it would inevitably conflict with criterion 7 of Policy AW 2 (Sustainable Locations) in that it would not support the development of a Strategic Site. Indeed, should permission be granted for this development, it could prejudice any retail development from coming forward and therefore prevent the site from being developed as prescribed in Policy SSA 8 (Mwyndy/ Talbot Green Area). However, it must also be noted that the site has been vacant for a very long period of

time, despite planning permission being granted for a new town centre (planning permission ref. 11/1330 and 17/0559, the subsequent Section 73 application to extend the time period for reserved matters to be submitted, although the details of the S106 agreement have not yet been agreed despite the application being reported to the Planning and Development Committee in September 2019) and for the erection of a supermarket (planning ref. 12/1102 and 14/1128, the subsequent Section 73 application to reduce the approved trading floorspace). As such, given the lack of progress on the above-mentioned developments coming forward and the current climate, it would seem unlikely that the site would be developed for retail purposes in the immediate or near future. It is therefore considered that the principle of the proposed development could be acceptable however, due to the site being allocated for retail purposes in the LDP and given the temporary nature of the development, it is considered that a temporary permission for 2 years (suggested) would be appropriate, if Members were of the mind to support the application.

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

The application site is enclosed by a number of trees along its northern, southern and western boundaries and the applicant has confirmed that these trees are to be retained. On that basis, the site is very well screened from the surrounding area and the siting of storage containers and caravans is unlikely to have an adverse impact upon the character and appearance of the surrounding area.

Furthermore, the site has been vacant for a number of years following the demolition of the previous chemical factory and, as a result, it is currently an area of hardstanding with some areas of scrub. Whilst the siting of a number of storage containers would inevitably change the visual appearance of the site, it is not considered that this would be unduly harmful, given the current condition of the site and the previous the use of the site. It is also noted that the containers and caravans are temporary structures and can be removed from the site at any time. The site can therefore be easily restored back to its current condition.

As such, it is considered that the proposed development would be acceptable in visual terms and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

The application site is located adjacent to an existing retail unit (Leekes) with the nearest residential properties being approximately 60 metres away to the north (Fanheulog) and approximately 100 metres to the west (Railway Terrace). The site is also well screened by trees to the northern, western and southern boundaries and the storage containers are unlikely to be highly visible from the surrounding area.

The nature of the proposed use would result in members of the public accessing the site at various times throughout the day and night to either store or remove items from

their storage containers or to pick up or drop off touring caravans. It is therefore considered that the use has the potential to result in some degree of noise and disturbance to the surrounding area. However, the operation of the site would be similar to that of another self-storage site owned by the applicant in Tonyrefail (Tynybryn Road – planning permission granted under 17/0943) in that the site would only be accessible to customers of the business who would be granted access through the entrance gates electronically. Whilst the site could be accessed at any time during the day or night, the applicant has confirmed that, as with the Tonyrefail site, the majority of customers would access the site during normal daytime hours with very few visiting late into the evening or indeed overnight. The applicant has also indicated that customers are reminded to be mindful of surrounding neighbours if they choose to visit the site outside of normal ‘office’ hours and they are advised that contracts could be terminated should complaints be received from residents.

The Tonyrefail site is located in very close proximity to residential properties (much closer than in this case) and the operation of that site has not caused any known issues in terms of noise or disturbance. It is therefore considered that a self-storage business could be operated within residential areas without resulting in any adverse impact upon existing residents. In the case of this application, residential properties are located some distance away from the site with access to the site being located at the southern boundary of the site, approximately 160 metres from both Fanheulog and Railway Terrace. As such, it is unlikely that the proposed use would have a detrimental impact upon existing residents.

Furthermore, it is considered that a self-storage business, such as that proposed, would have a significantly reduced impact upon residents in comparison to that of any potential development for retail (either in accordance with the previous applications at the site or otherwise), which would see vast numbers of comings and goings throughout the day and night.

Consequently, it is not considered that the proposed development would have an adverse impact upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

The proposal has been assessed by the Councils Highways and Transportation section in order to determine the potential impact of the proposal upon highway safety in the vicinity of the site. The comments received indicates that the proposed development would be served off the existing private road which is considered to be acceptable. It is not considered that the trip generation associated with a self-storage facility would be significant and it is noted that there is ample space within the site to allow for vehicles to enter and exit in a forward gear. Furthermore, the circulatory road is wide enough to allow vehicles to pull up in front of the containers without restricting



access for other vehicles. Furthermore, the proposal to install automated 5m wide gates is considered to be acceptable.

As such, no objection is raised in relation to the proposal and the application is therefore considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## **Ecology**

The application is supported by a Preliminary Ecological Survey (dated April 2021) which has been assessed by the Council's Ecologist. The report was considered to be an appropriate assessment and identifies high potential for reptiles and a need for further survey work and mitigation. The applicant was advised in May 2021 that the recommended reptile survey would need to be carried out prior to the determination of the application however, no such survey has ever been submitted despite two reptile seasons having passed since the need for the survey was identified/advised. Furthermore, the original Preliminary Ecological Survey has now also expired (the report indicates a lifespan of 18 months to 2 years) and a further survey would now be required to support the application.

The applicant was reminded of the need for the further reptile survey in December 2022 and was given until the end of January 2023 to either submit the relevant information for consideration (or advise that it would be submitted in due course), proceed to have the application refused on insufficient information or to provide a written request to withdraw the application. No further correspondence has been received from the applicant and, given that a further 4 months has passed since the January 2023 deadline, it can only be assumed that the applicant wishes for the application to be determined on the basis of the information currently submitted.

As such, insufficient information has been submitted to support the application in order to enable a full and proper assessment of the impact of the proposed development upon the ecology of the site. The application would therefore fail to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

## **Other Issues:**

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

## **Drainage**

The proposal has been reviewed by the Council's Flood Risk Management team and no objection has been raised. It is commented that the site is a brownfield site and that the works would be greater than 100m<sup>2</sup>. The applicant would therefore be required to

submit a separate application to the Sustainable Drainage (SuDs) Approval Body (SAB) and the development would also be required to comply with Part H of the Building Regulations, which sets out the design requirements associated with the use of infiltration drainage. As such, the Flood Risk Management team raise no objection to the proposal.

### **Land Contamination**

The application site was previously occupied by a chemical factory which is known to have been contaminated. Concern was originally raised by both Natural Resources Wales and the Council's Public Health department in this respect and a contaminated land report was requested. However, the applicant provided additional information which confirmed that no ground works would be undertaken at the site. The site is currently characterised by concrete bases and areas of compacted stone (from the demolition of the factory). The applicant has indicated that the concrete bases and areas of compacted stone would be used to site caravans whilst the storage containers would be held up off the ground by blocks placed under each corner and arranged around the remainder of the site. The gates would be fixed upon the existing concrete pad and all structures, by their very nature, would be temporary. It is not intended to turn any soil or lay any foundations for more permanent structures.

The information was further assessed by Natural Resources Wales and Public Health and whilst some concern still remained, it was advised that no objection would be raised providing that a condition be added to any grant of planning consent to ensure that any unsuspected contamination be dealt with appropriately.

### **Historic Coal Mining**

It is noted that the site is located within a High Coal Mining Risk Area however, guidance issued by the Coal Authority indicates that developments for non-permanent structures or for developments that would not result in any significant ground works (i.e. cabins for storage purposes) are exempt from having to provide a Coal Mining Risk Assessment.

### **Location of Watermain**

Welsh Water have indicated that the site is crossed by a trunk/distribution watermain however, it is noted that it is possible for the watermain to be diverted under Section 185 of the Water Industry Act 1991. An informative note should therefore be added to any grant of planning consent to highlight this issue to the applicant.

### **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**

The application proposes the siting of a number of storage containers and caravans on a site that is allocated for retail purposes under Policy CS7 of the Rhondda Cynon Taf Local Development Plan and there is concern that the development would prejudice appropriate retail development from coming forward. However, given the history of the site and the lack of retail development currently coming forward for this site, it is considered that a temporary permission for a storage facility may be acceptable. The development would not have any detrimental impact upon the character and appearance of the site, upon the amenity and privacy of residential properties or upon highway safety in the vicinity of the site however, insufficient information has been submitted to support the application to demonstrate that the development would not have an adverse impact upon the ecology of the site.

### **RECOMMENDATION: Refuse**

1. Insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact upon the ecology of the site and the application would therefore fail to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

22 JUNE 2023

### 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 29/05/2023 – 09/06/2023

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**

**22 JUNE 2023**

**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:** 22/1400  
**APPEAL REF:** CAS-02726-D2F7N6  
**APPLICANT:** Mr K Buckley  
**DEVELOPMENT:** Detached dwelling, double garage  
**LOCATION:** LAND WEST OF FIFTH AVENUE HOUSE, HALT ROAD, RHIGOS, ABERDARE  
**APPEAL RECEIVED:** 12/05/2023  
**APPEAL START DATE:** 06/06/2023

### APPEAL DECISION RECEIVED

**APPLICATION NO:** 22/0492  
**APPEAL REF:** CAS-02240-M0G9N8  
**APPLICANT:** Miss R Green  
**DEVELOPMENT:** Hard standing (retrospective) and dropped down kerb access over public footpath.  
**LOCATION:** 36 ABER-RHONDDA ROAD, PORTH, CF39 0BB  
**DECIDED:** 06/12/2022  
**DECISION:** Refused  
**APPEAL RECEIVED:** 24/04/2023  
**APPEAL DECIDED:** 31/05/2023  
**APPEAL DECISION:** WITHDRAWN

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**APPLICATION NO:** 22/0614  
**APPEAL REF:** CAS-02297-V9K9D6  
**APPLICANT:** S Simra  
**DEVELOPMENT:** Change of use of A1 Retail Shop to A3 Fish and Chip Shop.  
**LOCATION:** 11 CLYDACH ROAD, CLYDACH, TONYPANDY, CF40 2BD  
**DECIDED:** 11/10/2022  
**DECISION:** Refused  
**APPEAL RECEIVED:** 16/03/2023  
**APPEAL DECIDED:** 09/06/2023  
**APPEAL DECISION:** Allowed with Conditions

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**29/05/2023 and 09/06/2023**

**Tonypandy**

**23/0392/10** Decision Date: 06/06/2023

**Proposal:** Two storey rear extension.

**Location:** 43 GILMOUR STREET, TONYPANDY, CF40 2LB

**23/0488/10** Decision Date: 05/06/2023

**Proposal:** Rotation of existing storage container, 2 new green storage containers

**Location:** RCT PLAYGROUND KING GEORGE V, KING GEORGE V MEMORIAL PARK, PARK PLACE, TONYPANDY

**Abercynon**

**23/0416/15** Decision Date: 08/06/2023

**Proposal:** Variation of condition 1 extend time limit of 18/0549/10

**Location:** 5 YNYS Y DWR COTTAGES, NAVIGATION PARK, ABERCYNON, MOUNTAIN ASH, CF45 4SD

**Aberdare East**

**23/0387/10** Decision Date: 05/06/2023

**Proposal:** Change of use from shop (Planning Use Class A1) to an estate agents (Planning Use Class A2).

**Location:** 49B AND 50 COMMERCIAL STREET, ABERDARE, CF44 7RW

**23/0399/10** Decision Date: 06/06/2023

**Proposal:** Change of use from a cantonese takeaway to a nail salon

**Location:** PAGODA CHINESE TAKEAWAY, GADLYS ROAD, GADLYS, ABERDARE, CF44 8AD

**23/0400/01** Decision Date: 06/06/2023

**Proposal:** Unlit painted timber fascia sign.

**Location:** PAGODA CHINESE TAKEAWAY, GADLYS ROAD, GADLYS, ABERDARE, CF44 8AD

**Beddau and Tyn-y-nant**

**23/0445/10** Decision Date: 05/06/2023

**Proposal:** Proposed side and ground floor extension

**Location:** 1 CWRT FAENOR, BEDDAU, PONTYPRIDD, CF38 2JL

**Brynna and Llanharan**

**22/1253/10** Decision Date: 08/06/2023

**Proposal:** Extend lobby area, move entrance door to side, disabled access ramp to entrance. Entrance door will be automatic, small wall and hand rail to outer side of ramp.

**Location:** LLANHARAN DROP IN CENTRE, BRIDGEND ROAD, LLANHARAN, PONTYCLUN, CF72 9RD

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**29/05/2023 and 09/06/2023**

**Brynna and Llanharan**

**23/0363/10** Decision Date: 05/06/2023  
**Proposal:** New building to accommodate replacement waste packaging compaction and baling plant  
**Location:** BLAKEMORE RETAIL, LANELAY ROAD, TALBOT GREEN, PONTYCLUN, CF72 8XX

**23/0384/10** Decision Date: 05/06/2023  
**Proposal:** Retrospective application for the installation of an ATM  
**Location:** POST OFFICE, BRIDGEND ROAD, LLANHARAN, PONTYCLUN, CF72 9RP

**23/0407/09** Decision Date: 07/06/2023  
**Proposal:** Single storey extension and rear dormer.  
**Location:** 36 RED ROOFS CLOSE, PENCOED, BRIDGEND, CF35 6PL

**23/0476/10** Decision Date: 01/06/2023  
**Proposal:** Single storey extension and dormer to rear  
**Location:** 15 SOUTHALL STREET, BRYNNA, PONTYCLUN, CF72 9QH

**23/0501/10** Decision Date: 05/06/2023  
**Proposal:** Single-storey rear extension  
**Location:** 1 MELBOURNE TERRACE, BRYNNA, PONTYCLUN, CF72 9QL

**Church Village**

**23/0401/09** Decision Date: 01/06/2023  
**Proposal:** Single storey extension to rear of existing domestic dwelling.  
**Location:** 4 WOODLAND VIEW, CHURCH VILLAGE, PONTYPRIDD, CF38 1RW

**23/0413/10** Decision Date: 08/06/2023  
**Proposal:** Shed to rear of the garden (retrospective)  
**Location:** 20 TY CRWYN, CHURCH VILLAGE, PONTYPRIDD, CF38 2HX

**Cymer**

**23/0419/10** Decision Date: 05/06/2023  
**Proposal:** First floor extension  
**Location:** 2 GWAUN BEDW, CYMER, PORTH, CF39 9HN

**Ferndale and Maerdy**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**29/05/2023 and 09/06/2023**

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**Ferndale and Maerdy**

**23/0414/10**

Decision Date: 30/05/2023

**Proposal:**

Installation of a small domestic wind turbine, to provide green energy to the residence

**Location:**

BLAEN LLECHAU FARM, BLAENLLECHAU ROAD, BLAENLLECHAU, FERNDALE, CF43 4UF

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**Gilfach-goch**

**23/0410/10**

Decision Date: 06/06/2023

**Proposal:**

Rear infill extension

**Location:**

3 BEECH STREET, HENDREFORGAN, GILFACH-GOCH, PORTH, CF39 8UD

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**Glyn-coch**

**23/0036/10**

Decision Date: 06/06/2023

**Proposal:**

Front & rear dormers

**Location:**

18 ASHFORD CLOSE, GLYN-COCH, PONTYPRIDD, CF37 3AH

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**Llanharry**

**23/0309/10**

Decision Date: 09/06/2023

**Proposal:**

Porch to elevation and two storey rear extension and demolish outbuildings.

**Location:**

5 HAZELDENE, LLANHARRY, PONTYCLUN, CF72 9JL

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**23/0495/10**

Decision Date: 07/06/2023

**Proposal:**

First floor extension & garage conversion

**Location:**

7 FFORDD HELYGEN, LLANHARRY, PONTYCLUN, CF72 9GJ

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**Llantrisant and Talbot Green**

**23/0474/10**

Decision Date: 30/05/2023

**Proposal:**

Double storey rear extension & downsizing of front & rear windows

**Location:**

3 BRONHAUL, TALBOT GREEN, PONTYCLUN, CF72 8HW

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**Llwyn-y-pia**

**23/0206/01**

Decision Date: 08/06/2023

**Proposal:**

Presentation boards

**Location:**

BIN STORE OPP. CYMCLYDACH PRIMARY SCHOOL, WERN STREET, CLYDACH, TONYPANDY, CF40 2BQ & NEAR THE JUNCTION OF LLWYNYPIA ROAD AND A4058

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**Pontyclun Central**

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**Pontyclun Central**

**22/1442/10** Decision Date: 05/06/2023

**Proposal:** Parking area and store room

**Location:** 58 HEOL MISKIN, PONTYCLUN, CF72 9AL

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**23/0308/09** Decision Date: 01/06/2023

**Proposal:** Replace an existing car port with a brick single garage 320 cm width x 470 cm length.

**Location:** 14 THE DRIVE, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8PX

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**Pontyclun East**

**23/0441/10** Decision Date: 05/06/2023

**Proposal:** Single storey rear extension, replacement of sloped roof for a flat roof with glazed rooflights

**Location:** 7 HEOL BROFISCIN, GROES-FAEN, PONT-Y-CLUN, PONTYCLUN, CF72 8RR

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**Pontyclun West**

**23/0515/09** Decision Date: 06/06/2023

**Proposal:** Rear extension

**Location:** 10 TALYGARN DRIVE, BRYNSADLER, PONT-Y-CLUN, PONTYCLUN, CF72 9BY

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**Tonyrefail East**

**23/0449/10** Decision Date: 30/05/2023

**Proposal:** Two Storey Extension

**Location:** 28 TYLCHA WEN CLOSE, TONYREFAIL, PORTH, CF39 8AQ

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**Tonyrefail West**

**23/0381/09** Decision Date: 30/05/2023

**Proposal:** Change of use from dwelling house (Class C3) to residential care home (Class C2) for up to 3 children

**Location:** GWELFRYN, CAE'R GWERLAS, TONYREFAIL, PORTH, CF39 8HY

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**Trealaw**

**23/0053/10** Decision Date: 07/06/2023

**Proposal:** Side extension for additional workshop area

**Location:** LASER MINI COACH AND MINI TRAVEL LTD, FOUNDRY ROAD INDUSTRIAL ESTATE, FOUNDRY ROAD, TREALAW, TONYPANDY, CF40 2XD

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**29/05/2023 and 09/06/2023**

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**Trealaw**

**23/0389/10**

Decision Date: 01/06/2023

**Proposal:**

Change of use from church to single dwelling

**Location:**

ELIM PENTECOSTAL CHURCH, OFF MISKIN ROAD, TREALAW, TONYPANDY

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**Treorchy**

**23/0327/10**

Decision Date: 06/06/2023

**Proposal:**

Construct double storey extension to rear of the property along with internal modifications

**Location:**

58 REGENT STREET, TREORCHY, CF42 6PN

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**23/0523/09**

Decision Date: 08/06/2023

**Proposal:**

Single storey rear extension

**Location:**

36 GLYNRHONDDA STREET, TREORCHY, CF42 6DE

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**Ynysybwl**

**23/0345/10**

Decision Date: 31/05/2023

**Proposal:**

Single storey flat roof extension, detached single garage to rear

**Location:**

190 ROBERT STREET, YNYS-Y-BWL, PONTYPRIDD, CF37 3ED

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**23/0377/10**

Decision Date: 01/06/2023

**Proposal:**

Single storey extensions either side.

**Location:**

27 BRYN RHEDYN, COED-Y-CWM, PONTYPRIDD, CF37 3DP

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Total Number of Delegated decisions is 35

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**Report for Development Control Planning Committee**

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**Aberdare West and Llwydcoed**

**23/0207/13**

Decision Date: 31/05/2023

**Proposal:** Application for outline planning permission with all matters reserved for the construction of one detached dwelling and garage, creation of new access road off Lon Las.

**Location:** TYN COED HIR, LON LAS, LLWYDCOED, ABERDARE, CF44 0UP

**Reason: 1** The proposed development would be contrary to Policies AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan in that it would represent backland development that would fail to integrate positively with the existing pattern of development in the immediate area.

**Reason: 2** Insufficient information has been received to fully assess the impact of the proposed development on the ecological status of the site and the proposal is therefore contrary to Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 3** Insufficient information has been received to fully assess the impact of the proposed development on protected trees within and adjacent to the site. The proposal therefore does not comply with Policies AW8 or NSA12 of the Rhondda Cynon Taf Local Development Plan and Technical Advice Note 10: Tree Preservation Orders.

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**Pontyclun West**

**23/0421/10**

Decision Date: 09/06/2023

**Proposal:** New Detached house

**Location:** LAND TO THE REAR OF 1 LLWYNFEN ROAD, PONT-Y-CLUN, CF72 0TW

**Reason: 1** The principle of the development is unacceptable as the proposal represents unjustified residential development outside of settlement limits. Consequently, the proposed development fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the LDP and those set out in Planning Policy Wales Edition 11 and is therefore unacceptable in principle.

**Reason: 2** The proposal would be poorly related to existing development, to the detriment of the character and appearance of the area and contrary to Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions - Refusals between:**  
**Report for Development Control Planning Committee**

**29/05/2023 and 09/06/2023**

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Ystrad

**23/0239/10**

Decision Date: 01/06/2023

**Proposal:** Agricultural barn

**Location:** LAND TO THE REAR OF RAVENHILL STREET, GELLI, PENTRE

**Reason: 1** The site is located outside the defined settlement boundary of the Rhondda Cynon Taf Local Development Plan and the proposed development has not been justified as necessary for the purposes of agriculture. As such the proposal conflicts with policy AW 2 of the Rhondda Cynon Taf Local Development Plan and it would amount to unjustified and unsustainable development into the countryside.

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Total Number of Delegated decisions is 3