



**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 virtual meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 23RD NOVEMBER, 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](mailto:PLANNINGSERVICES@RCTCBC.GOV.UK) BY 5PM ON TUESDAY, 21 NOVEMBER 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 19.10.23**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 19<sup>th</sup> October 2023.

**5 - 8**

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

### **5. APPLICATION NO: 19/1258**

Reserved Matters application for new primary school and associated infrastructure including access and landscaping (submitted pursuant to outline (hybrid) planning permission 10/0845/34). (Amended plans received 30 September 2021, 05 April 2022; updated ecology information received 22 June 2023, 09 October 2023)

**LAND AT FORMER OPEN CAST COAL SITE, LLANILID**

**9 - 34**

### **6. APPLICATION NO: 22/0823**

Installation of a 35m lattice tower supporting 3 no. antennas, 2 no. transmission dishes, 1 no. equipment cabinet, 1 no. meter cabinet and ancillary development thereto, including a generator and associated fuel tank, a fenced compound for the Shared Rural Network project on behalf of Cornerstone (Amended plans received 25/05/2023 and Ecological Assessment Received 05/10/2023)

**LAND AT RHIGOS FORESTRY, RHIGOS ROAD, RHIGOS, ABERDARE**

**35 - 46**

### **7. APPLICATION NO: 23/0679**

Change of use from bed and breakfast to House in Multiple Occupation (HMO) use (Amended Plans received 30/08/2023)

**CENTRAL HOUSE GUEST HOUSE, STOW HILL, TREFOREST,**

**PONTYPRIDD, CF37 1RZ**

**47 - 60**

**8. APPLICATION NO: 23/0905**

Retrospective removal of garage/shed to replace with a prefabricated shed and garage together with some vertical feather edge board fence 1800mm high.

**16 BAPTIST ROW, BLAENLLECHAU, FERNDAL, CF43 4NY**

**61 - 68**

**9. APPLICATION NO: 23/0994**

Solar farm, including ground mounted solar panels, sub stations, inverters, access tracks, security fencing and private wire.

**LAND AT FORMER COED ELY COLLIERY, OFF THE A4119, COED ELY.**

**69 - 88**

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

**10. APPLICATION NO: 23/0007**

Repair and rebuild of farmhouse. (Coal Mining Risk Assessment and Structural Report received 20/09/23)

**GARTH HALL FARM, ROAD TO GARTH HALL FARM, COED-ELY, TONYREFAIL, PORTH, CF39 8HJ**

**89 - 100**

**11. APPLICATION NO: 23/0933**

Creation of three Traveller pitches to include one static caravan, touring caravan and day/utility room per pitch, hard standing area, perimeter timber fence and installation of a package treatment plant.

**TWELVE OAKS STABLE, LLANHARRY ROAD, LLANHARRY, CF72 9LY**

**101 - 118**

**DEFERRED APPLICATIONS**

**12. APPLICATION NO: 22/1378/15**

Variation of condition 1 of planning permission ref. 15/1635/10 - to extend time limit for commencement of development by one year (Drainage Briefing Note 10/02/23 Rev.2 - 10/07/23, received 16/06/23)

**Llwyncelyn Farm, Hafod Lane, Porth, CF39 9UE**

**119 - 166**

**13. APPLICATION NO: 23/0712/10**

Proposed change the use of the property into a Children's Residential Home,

**142 Kenry Street, Tonypany, CF40 1DD**

**INFORMATION REPORT**

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

To inform Members of the following, for the period 30/10/2023 – 10/11/2023.

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

181 - 192

**15. 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.

**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

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

Minutes of the meeting of the Planning and Development Committee held on Thursday, 19 October 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 J Smith      Councillor S Emanuel  
Councillor R Williams      Councillor G Hughes  
   Councillor L A Tomkinson

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

Councillor A Dennis  
Councillor D Grehan

**County Borough Councillors in attendance: -**

Councillor J Brencher      Councillor C Leyshon  
Councillor M Norris

**Officers in attendance: -**

Mr S Humphreys, Head of Legal Services  
Mr C Jones, Head of Major Development and Investment  
Mr G Howard, Senior Planning Officer

**108 WELCOME & APOLOGIES**

Apologies for absence were received from County Borough Councillor J Bonetto, W Lewis and M Powell.

**109 DECLARATION OF INTEREST**

At this point in proceedings County Borough Councillor G Hughes in respect of Application 23/0712 Proposed change the use of the property into a Children's Residential Home. 142 KENRY STREET, TONYPANDY, CF40 1DD informed the Committee that he had no personal interest in the application but that:-

"I have discussed the application in my capacity as Local Member with the applicant and local residents".

**110 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.

**111 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.

**112 MINUTES 07.09.23**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 07.09.23.

**113 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.

**114 APPLICATION NO: 23/0575**

**Variation of condition 1 of application 18/0617/15 - to extend the current consent by a further 5 years (original application: 13/0758/10 - Residential development, construction of 3 no. 3 bedroom linked housing units). LAND ADJACENT TO 15 GROVER STREET, GRAIG, PONTYPRIDD, CF37 1LD**

In accordance with adopted procedures, the Committee received Mr S Courtney (Agent) who was afforded five minutes to address Members on the above-mentioned proposal.

Non-Committee, Local Members County Borough Councillors J Brencher and T Leyshon spoke on the application and put forward their concerns in respect of the proposed Development.

**(Note:** At this point in proceedings County Borough Councillor L Tomkinson declared a personal interest in this application, "I am a Councillor on Pontypridd Town Council which are referenced in the report."

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 amendment of the following conditions:

Condition 1 – Amend the condition so that the development permitted shall be begun before the expiration of two years from the date of the permission

Condition 3- Amend bullet point one of the construction works times to:-  
• Monday to Friday 09:00 to 18:00 hours;

Condition 7 – Add an additional requirement to the condition to let residents know about the construction management plan.

**115 APPLICATION NO: 23/0896**

**Demolition of the existing rear and side extensions, construction of a two-storey side extension and a complete first-floor extension. Works also include alteration to the structure of the existing dwelling and general renovation works (Amended site location plan received 13/09/2023) CARTREF BUNGALOW, HOBBS LANE, HIRWAUN, ABERDARE, CF44 9BU**

The Head of Major Development and Investment presented the application to Committee with a recommendation to defer the application to allow further discussion to take place between the applicants and officers in relation to the front elevation of the proposed development. Following consideration of the request to defer it was **RESOLVED** to defer the determination of the application to a future meeting of the Planning & Development Committee to allow further discussion to take place between the applicants and officers in relation to the design of the proposed development.

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**116 APPLICATION NO: 23/0712**

**Proposed change the use of the property into a Children's Residential Home. 142 KENRY STREET, TONYPANDY, CF40 1DD**

The Head of Major Development and Investment presented the application to Committee and following consideration Members were minded to refuse the above-mentioned application contrary to the recommendation of the Director, Prosperity & Development as Members were of the view that the location for the proposed development is unsuitable, there is insufficient parking, the property is not suitable for the proposed use and there is a lack of amenity space for occupants.

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.

**117 APPLICATION NO: 23/0871**

**Outline planning application for a proposed complementary food and drink outlet up to 140sq metres (all matters reserved apart from means of access). Revised site location plan received 13th September 2023 (to remove developable area from the coal high risk zone). KENTUCKY FRIED CHICKEN RESTAURANT, CYMMER ROAD, DINAS, PORTH, CF39 9BL**

The Senior Planning Officer 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.

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**118 APPLICATION NO: 23/0576**

**Change of use and extension to provide 7 new flats and retain existing residential unit on second floor and improvements to commercial areas. 22-22A CARDIFF STREET, ABERDARE, CF44 7DP.**

The Head of Major Development and Investment presented the application, which was originally reported to Committee on 7<sup>th</sup> September 2023, to allow further discussion with the applicant with a view towards overcoming the concerns of Members in respect of the initial submission, with particular regard to the room sizes proposed and the quality of accommodation.

Members gave consideration to the further report, and following discussions, it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development and subject to the updated conditions set out in the further report.

**119 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 25/09/2023 – 06/10/2023.

**This meeting closed at 4.00 pm**

**Councillor S Rees  
Chair.**



## PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/1258/16 (MF)  
**APPLICANT:** Persimmon Homes West Wales  
**DEVELOPMENT:** Reserved Matters application for new primary school and associated infrastructure including access and landscaping (submitted pursuant to outline (hybrid) planning permission 10/0845/34). (Amended plans received 30 September 2021, 05 April 2022; updated ecology information received 22 June 2023, 09 October 2023)  
**LOCATION:** LAND AT FORMER OPEN CAST COAL SITE, LLANILID  
**DATE REGISTERED:** 05/04/2022  
**ELECTORAL DIVISION:** Brynna and Llanharan

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**RECOMMENDATION:** Approve, subject to conditions.

**REASONS:** The application site constitutes part of one of the Council's Strategic Sites (Policy SSA9 refers) as identified in the Rhondda Cynon Taf Local Development Plan. The scheme represents the new primary school phase of the wider Llanilid development through the submission of reserved matters pursuant to the outline element of the 'hybrid' planning permission granted for up to 1850 new dwellings, a new primary school and new town centre across the former Open Cast Coal Site, Llanilid.

The principle of developing this site for residential purposes along with the associated primary school and town centre was accepted by the Council in the granting of the hybrid planning permission ref. 10/0845/34 in January 2016.

The new school and its associated development will bring a state of the art facility to Llanilid. It will be of significant benefit to the pupils of the catchment area and will relieve the ever-growing pressure on the existing Dolau Primary School, currently serving the existing Bryncae/Llanharan area and the new development at Llanilid. The applicant also proposes a wider community use for some facilities which will be an asset to all residents of the area.

**The development would have no undue impact to the character and appearance of the area, the amenities of neighbouring residents, or highway safety in the vicinity. Further, through considerable discussion/negotiation acceptable ecology mitigation/enhancement measures have been agreed.**

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

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

## **APPLICATION DETAILS**

### Wider Context and Background to the Application

In 2010 an application (10/0845/34) was submitted to the Council for a far larger area than the site covered by this 'phase' of reserved matters. That 'hybrid' planning application sought a combination of both outline and full planning permission for a large scale development on a site which incorporates part of the former Llanilid Open Cast Coal Site (OCCS), together with land to the north of the A473. The whole 10/0845/34 site has an area of 75.35 hectares, of which approximately 50 hectares is considered developable.

The first phase (Phase 1 – 18/0334/16) reserved matters submission for 216 new residential units was approved on 24 April 2019. Site construction works on that first phase of the development are near completion.

The second phase (Phase 2 – 19/1081/16) reserved matters submission for 421 new residential units was approved on 19 May 2021. Site construction works on that second phase of the development are underway.

The third phase (Phases 3 and 4 – 19/1082/16) reserved matters submission for 494 residential units was approved on 22 December 2021. Site construction works on that third phase of the development are underway.

No further phases (through reserved matters submissions) have been approved to date, but it is anticipated the whole site will be developed through 10 phases in all, 8 residential phases, a primary school phase (this application), and a mixed use area / town centre phase.

### The Current Application

This application seeks reserved matters approval (access, appearance, landscaping, layout and scale) for a new primary school together with associated infrastructure.

Members are advised that the scheme has been amended three times since submission, once on 04 January 2021, then on 30 September 2021, and finally on 05 April 2022. The application site boundary, the site layout and the design of the school building have each had to be altered due to the presence of a high-pressure gas main in close proximity of the site. Many of the plans submitted throughout the application process have been superseded and it is a mixture of the plans received 30 September 2021 and 05 April 2022 only that are now being considered, along with the relevant supporting information (as set out in full within condition 1 below).

The scheme originally proposed a single-storey school building and associated infrastructure across a much larger site along the wider Llanilid development area's eastern boundary. However, during the course of the application a high pressure gas main was found to bound the proposed school's original application site boundary (north/east) and therefore, in accordance with Health and Safety Executive (HSE) guidance, the site boundary was reduced and set away from the gas main, further south/west into wider Llanilid development area, to comply with the relevant restrictions.

It is also noted that a low pressure gas main runs through the centre of the site, but this would be diverted outside of the site should permission be granted.

Following the reduction of the site area the general layout of development had to be altered and the school building changed to a two-storey structure to allow for the necessary, associated access, parking and amenity areas. Therefore, specifically, this scheme now proposes the following:

A two-storey, L-shaped school building located at the north-eastern element of the site with yard and play areas to the south and access and parking to the west.

The new school building would be separated in to 2 main elements, a classroom wing and hall block, having a gross internal floor area of approximately 2800m<sup>2</sup> and a maximum ridge height of 11m.

The building would be a of modern, contemporary design incorporating face brickwork and aluminium curtain wall units with coloured spandrel panels and fenestration throughout (the colour of which is yet to be determined). Several natural ventilation chimneys would be sited within the roof, the maximum height of which being 1.5m above roof level.

The materials are intended to sustain long-term value and durability in an effort to reduce maintenance costs; and the building has been designed to be highly sustainable with an extensive roof mounted solar photovoltaic array and heating/cooling provided by air source heat pumps.

The building would accommodate 2 nursery, 2 reception and 6 infant classrooms, a main hall and kitchen at ground floor level. 8 junior classrooms, a learning resource area and staff room would be sited at first floor level. Various supporting facilities would also be located across the 2 floors (toilets, offices, storage rooms, etc.).

An external yard area would be provided to the eastern side of the new building and a 3G all-weather pitch to the south of the site. Various other informal hard and soft landscaped areas will also be located throughout the site. No floodlighting is proposed at any of the external play spaces, although general lighting would be included throughout the site.

Vehicular access would be provided off a junction at the north-western corner of the site, via a new section of road that would also serve the future mixed use area phase of the wider Llanilid development. This junction would lead to a staff car park with a capacity for 39 vehicles along the site's western boundary, and a separate turning loop between the staff car park and the school building to allow delivery/maintenance vehicles to access/egress the site in forward gear. A parent drop off / pick up area would be located at northern end of the turning loop and 3 coach layby bays at the southern end. Cycle stands would be located across the site.

Pedestrian access would be via dedicated gates at the west of the site. It is noted however that a further pedestrian access would be created along the eastern boundary where a secure walkway would be provided to the existing, neighbouring Dolau Primary School (east) for use by staff and pupils.

3 small, single-storey ancillary buildings would be located at the southern end of the turning loop that would accommodate the bin store, sprinkler tank and heat pump enclosure.

The development works would require an existing siltation pond on site to be infilled and all trees/vegetation around it removed. This would be achieved by diverting the watercourse that feeds the pond outside of the site. As a result appropriate landscaping and ecological mitigation measures will be incorporated throughout the site and at a nearby off-site location to compensate the loss. Much of this ecology mitigation is controlled through the Section 106 agreement attached to the original planning permission for the wider development which covers all phases.

The new school would be built to Secured by Design standards with the entire site enclosed by 2.4m high weldmesh boundary fencing and 1.8m high internal weldmesh fences where necessary to create a secondary security line that allows controlled access for the public and deliveries during the day while ensuring the school and play areas remain secure.

The new school would accommodate 540 pupils, 480 between the ages of 5 – 11 and 60 nursery places. It is detailed that the new school would form an extension of the existing, neighbouring, dual-language Dolau Primary School and as such would

provide mixed medium education allowing parents to choose which medium their child is educated in.

The supporting information also details that elements of the school building and outdoor spaces could be available for community uses in the evenings and at weekends. However, full details of the exact community uses are unknown at this time, but with no floodlighting proposed it is envisaged any potential use of the outdoor spaces would be during daytime hours only.

Finally, the 21<sup>st</sup> Century Schools team has advised that the existing local primary school, Dolau, is now full given the number of houses that have already been built at this wider development (circa 250). The Council is consequently in danger of not meeting its statutory duties to provide school places for all children within the catchment, and therefore the development of this proposed new school is desperately needed in this area.

## **SITE APPRAISAL**

The site subject of this reserved matters submission lies entirely within the much larger Llanilid development area which benefits from hybrid planning permission for mixed use development (as set out in detail above). The plot sits roughly centrally along the wider development area's eastern boundary, directly south of the A473. It amounts to approximately 1.4 hectares (10 acres).

The school plot is relatively level throughout and is occupied by a siltation pond at its centre (to be infilled) which serves a local watercourse (to be diverted outside of the site). The remainder of the plot is covered by dense woodland (to be removed).

The site is bordered by the A473 (New Road) to the north beyond which are existing residential dwellings and an area of land currently being developed for residential use in line with the earlier Phases 3 and 4 reserved matters approval. A further siltation pond surrounded by dense woodland is located to the east beyond which is the existing Dolau Primary School. To the south and west is land within the wider development area that is to be occupied by residential units and the mixed use phase, the reserved matters of which are yet to be approved.

A low pressure gas main runs through the site, to the south of the pond (to be diverted outside of the site). A high pressure gas main is located outside of the site but close by under the A473 to the north turning south following the boundary of the existing, neighbouring Dolau Primary School to the east.

## **PLANNING HISTORY**

The site is subject to a substantial planning history much of which relates to the discharge of conditions attached to the original hybrid planning permission and subsequent reserved matters approvals and non-material amendments to the same

(several of which are currently being considered). There is also a substantial planning history in respect of the former open cast coal site use. As such, only the previous planning applications that are considered relevant to this development, the main permissions since the granting of the hybrid planning permission for redevelopment of the site, are detailed below:

**19/1082/16** – Reserved Matters application for Phases 3 and 4 of Parc Llanilid (submitted pursuant to outline (hybrid) planning permission 10/0845/34) to include 494 no. residential units and associated infrastructure.

Decision: Granted 22/12/21

**19/1081/16** – Reserved Matters application for Phase 2 of Parc Llanilid (10/0845/34) to include 421 no. residential units and associated infrastructure.

Decision: Granted 19/05/21

**18/0334/16** – Reserved Matters application for 1st phase of Parc Llanilid (10/0845/34) to include 216 residential dwellings and associated landscaping, re-profiling, access and highway works and subsequent discharge of conditions (16, 20, 21, 25, 26, 31, 35, 36, 37, 48 as imposed on 10/0845/34).

Decision: Granted 24/04/19

**10/0845/34** – Comprehensive phased development comprising: residential development of up to 1,850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; B1 office/commercial floorspace; new drainage, services, transport and highways infrastructure, strategic landscape areas and public open space (all matters reserved). Full details for new spine road and access onto A473, drainage infrastructure and the creation of development plateaus to serve the first phase of the development.

Decision: Granted 28/01/16

Reserved matters submissions (pursuant to 10/0845/34) have also been made in respect of the subsequent phases of development as follows, however these applications currently remain under assessment and are yet to be reported to Committee for Members consideration and determination:

**19/1200/16** – Reserved matters application for the erection of 607 dwellings, associated infrastructure (Phases 5, 6, 7 and 8).

**19/1299/16** – Development of the Parc Llanilid mixed use area comprising A1, A2, A3 and D1 uses, a community building, a neighbourhood equipped area of play, 30 no. dwellings, 20 no. affordable flats and associated infrastructure.

## **PUBLICITY**

The statutory planning application consultation process was carried out (originally and following submission of revised details) which involved 61 properties being individually notified of the proposal by letter, 8 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

9 letters of objection have been received from surrounding residents, making the following comments (summarised):

- The school will result in increased traffic in the area with parents dropping off / picking up children in the mornings/afternoons in a village that is already very busy and will get significantly busier once all of the houses at this development are built. As well as general highway safety issues, this will also result in a reduction of air quality in the area. This application should not be considered until the proposed bypass has been implemented which would alleviate much of these concerns.
- The drop off / pick point seems inadequate for the number of children proposed at the school and the associated number of parents that will be dropping off / picking up children each morning/afternoon.
- The new school will result in additional cars parking on the adjacent residential streets during drop off / pick up times to the detriment of existing residents, an issue that already occurs as a result of the existing, neighbouring primary school.
- Question the amount of EV charging points within the staff car park given Welsh and National Government's push towards electric vehicles in future.
- The new school would result in noise and disturbance to existing, surrounding residents, which would be exacerbated by the proposed evening and weekend community use of the site.
- The infilling of the pond will result in the loss of habitat for many species, including European protected species. The development will also result in the loss of valuable flora on site.
- The pond to be infilled provides a welcomed drainage facility that prevents flooding in the local area. Where would the excess surface water go once this pond is infilled? The pond's removal could result in flooding in the locality.
- Insufficient notification of local residents has been undertaken for this planning application.

Several concerns were also raised in respect of allowing development of the wider open cast coal site in the first place and the number houses approved. However, these comments have not been included above or addressed below as this application

relates solely to the reserved matters approval for the new primary school phase of development at the wider site. These issues were considered and addressed during the earlier, approved hybrid planning application (10/0845/34).

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions in respect of the access, turning and parking facilities construction details; a Safe Routes in the Community Assessment; a Travel Plan; a Construction Method Statement; and a restriction on surface water drainage entering the highway drainage system.

Flood Risk Management – No objection or conditions suggested. The applicant has provided adequate information to clarify that an appropriate site drainage scheme can be implemented on site.

Public Health and Protection – No objection subject to conditions in respect of land contamination, construction noise, waste, dust and lighting.

Education and Inclusion Services – No objection or conditions suggested. The proposed development is welcomed.

Countryside, Landscape and Ecology – No objection or conditions suggested. Existing conditions and S106 attached to original hybrid permission are sufficient to mitigate any impacts.

Natural Resources Wales – No objection subject to conditions in respect of external lighting plan and mammal ledge to new culvert. Existing conditions and S106 attached to original hybrid permission are sufficient to mitigate any further impacts.

Waste Services – No objection or conditions suggested. Appropriate waste facilities/access would be provided at the site.

Coal Authority - No objection or conditions suggested.

Health and Safety Executive - No objection or conditions suggested.

Dwr Cymru Welsh Water - No objection subject to the development being carried out in compliance with the requirements of the drainage conditions imposed on the original hybrid planning permission.

Glamorgan Gwent Archaeological Trust – No objection subject to the development being carried out in accordance with the archaeological Written Scheme of Investigation that was approved under the Phase 1 reserved matters consent which also discharged the pre-commencement element of condition 37 (programme of archaeological work) of the original hybrid permission, 10/0845/34.



Sports Wales – No objection or conditions suggested.

South Wales Police – No objection or conditions suggested. General advice offered in respect of Secured by Design standards.

South Wales Fire and Rescue Service – No objection or conditions suggested. General advice offered in respect of water supplies and access for firefighting appliances.

Western Power Distribution – No objection or conditions suggested. General advice offered in respect of a new connection or service alteration being required.

Western Power Distribution – No objection or conditions suggested. General advice offered in respect of developing in proximity to their apparatus.

Scottish and Southern Energy – No objection.

Bridgend County Borough Council – No objection.

Llanharan Community Council – Raise Concerns that the school will result in increased traffic in the area and that the drop off / pick point seems inadequate for the number of children proposed. As such the Community Council would like to see traffic control at the site entrance, even if only during peak times, and a safe crossing point of the A473 here. Also question whether the remaining pond and woodland adjacent to the site will be available for public use following development.

## **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 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, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary at Llanilid and forms an element of the wider strategic site at the former OCCS, Llanilid which is allocated for the construction of between 1950 – 2100 dwellings, 2500m<sup>2</sup> net retail floor space,

a medical centre, library / community facility, a new primary school and associated public open space (Policy SSA9 refers).

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

**Policy CS3** – in order to promote sustainable growth this policy allocates a number of specific ‘Strategic Sites’ across the County Borough for the development of a mixture of large scale residential, employment, retail and recreational purposes (Former OCC Site, Llanilid, Llanharan is identified as site no. 8 (Policy SSA9)).

**Policy AW2** – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, 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 standard of design and to make a positive contribution to placemaking, including landscaping.

**Policy AW7** – identifies that proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

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

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

**Policy SSA6** – sets out the criteria for development in the Key Settlement of Llanharan. Supporting paragraph 6.127 states “Through the identified Strategic Site at Llanilid, which includes large-scale residential and commercial proposals, Llanharan will continue to experience significant new development. The Council recognises that new development must be supported by appropriate local services and infrastructure in order to meet the needs of the existing and future community.”

**Policy SSA9** – allocates the site (as a Strategic Site, as identified under Policy CS3) for the development of between 1950 – 2100 dwellings, together with provision of 2500m<sup>2</sup> of retail floor space, a medical centre, library/community centre, a new primary school and associated public open space.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking Requirements

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued in 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, although it should form the basis of all decisions.

It is considered 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
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 3 – Supporting Urban Growth and Regeneration
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning 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 16: Sport, Recreation and Open Space
- PPW Technical Advice Note 18: Transport
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- 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.

### **Principle of Proposed Development**

This application seeks reserved matters approval for the new primary school phase of development at the wider Llanilid development site.

The wider former open cast coal site benefits from 'hybrid' outline/full planning permission for up to 1850 dwellings, a new primary school and new town centre, to be developed in phases (10/0845/34). Subsequently the principle of developing a new primary school here has already been accepted by the Council and the considerations of this application relate only to the details of development pursuant to the outline element of the earlier planning permission (access, appearance, landscaping, layout and scale).

### **Visual Impact**

The proposed development comprises the new primary school phase of a much larger development site which has the benefit of 'hybrid' outline/full planning permission and is allocated as a Strategic Site within the LDP (SSA9).

It is acknowledged that the site is currently occupied by a large pond and surrounding vegetation which is attractive in character and appearance. This effectively results in this plot appearing separated from the wider development site and as a buffer between it and the village of Bryncae beyond (north/east). However, the plot is within the confines of the former OCCS and is included within the earlier hybrid planning permission boundary, within which it was proposed to be occupied by the new primary school phase of development.

It is subsequently accepted that the character and appearance of this site along with that of the wider former OCCS will inevitably undergo a considerable change as a result of the development proposed. This impact and any general consequences which included the infilling the pond and removal of all surrounding vegetation were fully and properly considered at the earlier outline stage, and were considered acceptable.

As such, while the loss of this wooded area and pond are regrettable, the principle of losing them and constructing a new primary school in their place has long been established and is considered acceptable in terms of the general impact upon the character and appearance of this area.

It is also noted that the earlier outline permission proposed the infilling of both ponds in this area of the wider site and removal of all vegetation around. With the amendments to the site boundary and layout required by the proximity to the nearby gas main, the easternmost pond within the wider site and all surrounding vegetation

will now remain. This will ensure an element of the current, attractive wooded area will remain, and that there will continue to be a natural buffer between the wider development site and the existing settlement at Bryncae. It will also ensure that views of this area of wider development site will be largely limited from existing properties to the east / north-east.

While it is accepted existing properties to the north will have direct views of the new school building, it is considered sufficient distance will remain between elevations, over 50m, which will ensure no loss of outlook would occur.

Furthermore, it is considered the new school building of modern materials and construction methods will be aesthetically interesting and would form an attractive and high-quality development that will enhance the visual amenity of the wider site which will largely comprise residential units, resulting in a welcomed barrier between the existing and new residential development in this area. Additionally, it is of a relatively modest scale and design, commensurate to the occupancy requirement, and appropriate landscaping will be located throughout the site helping to soften the development and ensure it sits well within the context of its surroundings.

Subsequently, whilst the loss of the pond and surrounding vegetation is regrettable, the principle of such has long been established as acceptable. Further, while it is accepted the proposal will form a visible and prominent development in the locality, especially from those properties immediately to the north, the new building is considered to be of an appropriate scale and attractive design that would not have any undue impact to the outlook of surrounding residents. The application is therefore considered accepted in visual terms.

### **Residential Amenity**

The application site is separated from the main settlement of Bryncae to the north and east by approximately 200m, with the existing Dolau Primary School and a wooded area in-between. As such, it is not considered the new school would have any undue impact upon the amenities of residents here, either by way of physical impacts from the building/development or from noise and disturbance associated with the use.

It is noted however that existing residential properties are located to the north of the site at the opposite side of the A473, within Trensos Gardens, and given the very nature of a school and its associated outdoor spaces, it is inevitable residents here may experience some impact, as noted by the objectors.

While some noise and disturbance may occur, the new building would be located over 50m from the nearest property at Trensos Gardens and the yard and outdoor play areas will be located towards the south of the site, being screened from the neighbouring properties to the north by the new building.

Given the separation distances involved and the fact that the busy A473 also sits between the new school and the neighbouring properties which would likely drown out a considerable amount of noise from the school site, it is not considered any potential noise impact would be significant. It is also noted that following assessment, the Public Health and Protection team have no concerns.

The separation distances would also ensure there would be no physical detriment from the new building to the existing neighbouring properties to the north.

The objectors have commented that the new school would result in additional vehicles in the area which would result in noise and disturbance. While this is inevitable, the new school would have a dedicated car park and drop off / pick point within the site and any journeys associated with drop offs / pick ups would only occur during peak times. It is subsequently considered any potential impact in this regard would not be significant enough to warrant refusal of the application.

It is accepted that new dwellings could be sited in close proximity of the new school when the future phases of development come forward. But any future phases of residential development at the wider Llanilid site will take account of the new school and be designed accordingly. Also, any future residents will be fully aware of the new school before purchasing/leasing properties in this area of the site. It is also noted that many schools in the County Borough are sited in densely developed residential areas and that these types relationships are commonplace. It is therefore considered any potential impacts to future residents would not be any different to that which they could expect living elsewhere in RCT.

Notwithstanding the above, the applicant has detailed that the new school building and associated outdoor sports and recreation facilities could potentially accommodate community uses during the evenings and at weekends during term time and throughout the day outside of term time. This could result in some potential for a loss of amenity to surrounding residents, as noted by the objectors.

No details have been submitted setting out the exact community uses anticipated, but given the limited internal areas proposed for use and likely times of use, it is not considered this element would result in any undue impact. Further, no floodlighting is proposed so it is envisaged any potential use of the outdoor facilities would be limited to daytime hours only, which would again not result in a significant impact.

Notwithstanding the above, in order to protect levels of amenity, conditions are proposed that will restrict the community uses to reasonable times and the use of the outdoor facilities to daytime hours only until such time as a scheme is submitted that clearly outlines proposals for their use. It is considered reasonable to safeguard the existing levels of amenity until such time as the plans for use of the outdoor facilities have been clarified. At that time the views of local residents can be sought either by the School, the Education Authority or by the Local Planning Authority as part of the relevant discharge of condition process.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, while it is accepted a degree of impact will inevitably occur and the concerns raised by the objectors are fully acknowledged, the application is considered acceptable.

## **Highway Safety**

Whilst it is acknowledged that several concerns have been raised by residents and the Community Council in respect of highway safety, the Highways and Transportation Section raise no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusion the following comments were made (summarised):

### *Access and Circulation*

The applicant has amended the red line boundary to include the wider development spine road and the junction with the A473 which include a 3m wide cycle path on the development side, a 7.3m wide carriageway and 2m wide footway on the opposite side, which is acceptable subject to detailed design. The proposal will therefore implement safe and satisfactory pedestrian/cycle connectivity.

### *Internal Layout*

The amended site layout details satisfactory access and circulation within the site highlighting that all anticipated vehicles will be able to access/egress in forward gear, which is acceptable.

### *Parking Provision*

In accordance with the Council's adopted SPG: Access Circulation and Parking the proposed primary school would require 2 spaces per classroom plus 3 visitor spaces (39) in addition to 1 parking space to accommodate a service/delivery vehicle.

The proposed site layout indicates 39 off-street parking spaces for staff, including 2 disabled spaces and 2 electric vehicle charging spaces, as well as provision of 8 drop off / pick-up bays and space for 3 buses / service/delivery vehicles. Furthermore, 10 long stay cycle stands for staff, 27 long stay cycle stands for pupils and 6 short stay cycle stands for visitors would be provided with sufficient space to accommodate additional cycle stands in future should demand arise. The off-street parking/cycle provision is therefore considered acceptable.

### *Travel Plan and Safe Routes in Communities*

A Travel Plan and Travel Strategy has not been provided to allow an assessment of the site in terms of access to sustainable modes of travel in accordance with Safer

Routes in Communities / Learner Travel / Active Travel. However, such assessments and Plans are not required prior to determination of the application and can be appropriately addressed through suitably worded conditions.

### *Highway Safety Summary*

The proposed access, parking and turning facilities are considered acceptable in principle, subject to detailed design. While it is accepted the new school would result in additional vehicle trips in the area, the principle of developing a school of this scale at this location has long been established, with the capacity of the existing highway network undertaken at outline stage and considered acceptable.

In light of the above, while the comments raised by the objectors are acknowledged, the scheme is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site.

### **Ecology**

As noted above, the development works would require an existing pond on site to be infilled and all trees/vegetation around it removed. As a result there will inevitably be a considerable impact to the existing levels of biodiversity at the plot, which will essentially be wholly removed, albeit some general new landscaping and ecology mitigation will be introduced throughout the site following development.

Despite this fact, the impact and any general consequences of infilling the pond and removing the surrounding vegetation were fully and properly considered at the earlier outline stage, and were considered acceptable. Therefore, while the loss of this wooded area and pond are regrettable, the principle of losing them and constructing a new primary school in their place has long been established and is considered acceptable in general ecology/biodiversity terms, subject to appropriate mitigation and enhancement measures being received at this reserved matters stage.

In light of this issue relevant ecology surveys/reports have been submitted with the application, many of which have been amended/updated several times. The reports have found that several protected species occupy the site including bats, otter, great crested newt and dormice and therefore detailed mitigation and enhancement measures are proposed. As well as proposing mitigation measures on site, the applicant has also recently amended the S106 agreement attached to the original hybrid consent to include a large area of land off-site but within their ownership for 'habitat mitigation land' in addition to other off-site areas already agreed as part of the wider development.

Having considered all of the supporting information and mitigation measures proposed, while some concern is still raised to the removal of the pond and trees, NRW commented that they are generally content with the conservation strategies and the fact that much of it is now already secured and can be properly controlled through



the existing S106 agreement and relevant conditions attached to the original hybrid consent. Consequently, no objections are raised subject to conditions in respect of site lighting and a mammal ledge being introduced along the new culvert for the redirected watercourse to prevent on-road mortality.

The Council's Ecologist also raised no objection to the application noting that the ecology surveys submitted are an appropriate and acceptable assessment and include adequate mitigation measures, mainly through the inclusion of additional habitat management land to the original S106 which covers all phases and also the fact the original hybrid consent contains appropriate conditions to ensure suitable mitigation measures must be provided at each phase. As such no objections are raised or conditions suggested.

### **Health and Safety Executive / Gas Main**

As set out above, the scheme originally proposed a much larger application site for the school which would have included a single storey building of a larger footprint with playing fields to the east. However, during the course of the application it was found that a high pressure gas main was sited directly to the north and east of original application site boundary, contrary to HSE guidance (who initially raised an objection to the application because of this).

The site boundary was therefore reduced and set away from the gas main, further south/west into wider development area, to comply with the relevant HSE restrictions. This also resulted in the site layout and scale/design of the school building being amended.

Following the amendments the HSE advised that the site still falls within the consultation distance of a major hazard pipeline (ref. 1556 – Nantgarw/Brynna (VS014) operated by Wales and West Utilities), but that the section of pipeline in this area was laid in thick-wall pipe and the new school would now be located within the outer zone of the major accident boundaries of the pipeline where this type of development is considered acceptable. As such, the HSE's original objection was removed.

It is also noted that no concerns were raised with regard the diversion of the low pressure gas main that currently runs through the centre of the site outside of the site boundary.

### **Historic Mining Activities**

While no objections were raised, the Coal Authority noted that condition 9 of the original hybrid consent requires, prior to commencement of development, site investigations to be carried out in order to establish any issues in relation to the ground conditions and what remedial / mitigation measures are required as a result of former opencast mining operations to inform the layout of each phase.

Members are advised that this condition has not yet been discharged in respect of this phase of development, however, it is a 'pre-commencement' condition rather than a 'prior to submission of reserved matters' condition and therefore does not need to have been discharged at this time, just before any works commence on site. Also, while the condition has not yet been discharged in respect of this phase, relevant investigation has been carried out to inform the design/layout of this scheme.

### **Drainage and Flood Risk**

While concerns have been raised by an objector that removing the pond could result in flooding of the surrounding area, the Council's Flood Risk Management team raised no objection to the proposal. It was commented that an appropriate drainage scheme is proposed that will ensure there is no detriment to the surrounding area, through diverting the watercourse that feeds the pond outside of the site and through other channels.

It also noted that the site lies outside of any high risk area of flooding (C1/C2 flood zones) and that the pond is not a drainage feature, but a siltation lagoon which was required to remove silt from water taken from the watercourse during the previous industrial use rather than for drainage/flooding purposes.

Dwr Cymru Welsh Water also raise no objection to the scheme.

### **Public Health**

Public Health and Protection (PHP) have advised that the site has the potential to be contaminated by previous land uses and therefore request conditions be attached to any consent requiring site investigations be undertaken prior to any development works commencing. Given the historic industrial use at the site these conditions are considered necessary.

Several further conditions were also recommended in respect of construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Finally, it is noted that an objector commented that additional vehicles associated with the school will result in increased pollution in the area. However, as previously set out, the wider development of the former open cast coal site including the provision of a primary school has long been established and the general impacts associated with the scale of the wider development such as air quality / pollution already considered acceptable. It is also noted that no concerns have been raised by the PHP.

### **Neighbour Consultation Responses**

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

- *Llanharan Community Council questioned whether the remaining pond and woodland will be available for public use following development.*

As this area is outside of the application site whether it can formally be allocated as public open space cannot be considered or controlled through this application process. However, the developer has advised that they are open to discussion with the Community Council in this respect going forward.

- Insufficient notification of local residents has been undertaken for this planning application.

As set out above the statutory planning application consultation process was carried out, originally and following submission of revised details, which involved 61 of the closest neighbouring properties being individually notified of the proposal by letter, 8 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail). The consultation undertaken complies with the relevant legislation and the number of neighbours directly notified is considered more than adequate for this proposed development.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW 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 to ensure this is the case.

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, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development would provide a state of the art primary school facility for pupils, and wider community uses for local residents long into the future.

- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and employment at the new facility.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Future energy consumption would be from renewable sources.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location with transport links and services/facilities located within walking distance.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

### **Community Infrastructure Levy Liability**

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended), however, the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore, no CIL would be payable.

### **Conclusion**

The application proposes the reserved matters approval for the new primary school phase of development at the wider Llanilid development site, which already benefits from 'hybrid' outline/full planning permission for up to 1850 dwellings, a new primary school and new town centre. The principle of developing a new primary school at this site has therefore already been accepted by the Council.

The new school and its associated development will bring a state of the art facility to Llanilid which will be of significant benefit to the pupils of the catchment area and will relieve the ever-growing pressure on the existing Dolau Primary School, currently serving the existing Bryncae/Llanharan area and the new development at Llanilid. The applicant also proposes a wider community use for some facilities which will be an asset to all residents of the area.

The development would have no undue impact to the character and appearance of the area, the amenities of neighbouring residents, or highway safety in the vicinity. Further, through considerable discussion/negotiation acceptable ecology mitigation/enhancement measures have been agreed.

It is therefore considered the application complies with the relevant local and national planning policies and is recommended for approval.

**RECOMMENDATION:** Approve, subject to conditions below.

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - Site Location Plan – 152761-STL-XX-XX-DR-A-XXXX-09001 Rev. PL11
  - Existing Site Plan – 152761-STL-XX-XX-DR-A-XXXX-09002 Rev. PL11
  - Proposed Site Layout – 152761-STL-XX-XX-DR-A-XXXX-09003 Rev. PL11
  - Proposed Floor Plans – 152761-STL-XX-00-DR-A-01002 Rev. PL09
  - Proposed Elevations – 152761-STL-XX-XX-DR-A-XXXX-02001 Rev. PL09
  - Proposed Roof Plan – 152761-STL-XX-01-DR-A-XXXX-01001 Rev. PL09
  - Bin Store – 152761-STL-XX-XX-DR-L-ZZZZ-09481 Rev. PL09
  - Sprinkler Tank & Condenser Unit – 152761-STL-XX-XX-DR-L-ZZZZ-09482 Rev. PL09
  - Proposed Site Sections – 152761-STL-XX-ZZ-DR-A-XXXX-09004 Rev. PL09
  - Soft Landscape Plan – 152761-STL-XX-ZZ-DR-L-ZZZZ-09041 Rev. PL10
  - Landscape General Arrangement – 152761-STL-XX-ZZ-DR-L-ZZZZ-09001 Rev. PL10
  - Boundary Treatment Plan – 152761-STL-XX-XX-DR-L-ZZZZ-09081 Rev. PL10
  - Typical Soil Profile Detail – 152761-STL-XX-XX-DR-L-ZZZZ-09400 Rev. PL09
  - Tree Pit in Soft Detail – 152761-STL-XX-XX-DR-L-ZZZZ-09410 Rev. PL09
  - Tree Retention and Removal Plan – 152761-STL-XX-ZZ-DR-L-ZZZZ-09101 Rev. PL09
  - Proposed Drainage Strategy Sheet 1 of 2 – 13370-HYD-XX-XX-DR-C-0600 Rev. P06
  - Proposed Drainage Strategy Sheet 2 of 2 – 13370-HYD-XX-XX-DR-C-0601 Rev. P06
  - Proposed Engineering Strategy – 13370-HYD-XX-XX-DR-C-0500 Rev. P06
  - Swept Path Analysis Coach Passing Car – 13370-HYD-XX-XX-DR-C-0162 Rev. P04

- Electrical Services External Lighting Isoline Plot – 13370-HYD-XX-XX-DR-E-0100 Rev. P04

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.

2. No development shall commence on site, other than site clearance and general enabling works, until full details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials thereafter.

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

3. No development shall commence on site, other than site clearance and general enabling works, until full details of a mammal ledge to be installed within the culvert under the A473 along with details of any additional measures necessary to prevent otter accessing the road have been submitted to and approved in writing by the Local Planning Authority. The mammal ledge and any additional measures necessary shall be installed as approved prior to beneficial use of the development and shall be retained as such in perpetuity.

Reasons: To allow safe passage of otters across the A473, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to its installation, full details of any external lighting shall first be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include:
  - i. Details of the siting and type of external lighting to be used.
  - ii. Details of design features and operational measures to control and minimise spillage in key areas and periods of the night.
  - iii. Drawings setting out light spillage and showing lux levels in both 2D and 3D and that demonstrates no or sufficiently minimised light spill across the 'functional link' habitat corridor across the north of the site.

The external lighting shall be installed as approved.

Reason: To ensure appropriate lighting details are agreed prior to installation and to reduce the impacts of lighting in the interests of protected species, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans/documents, no development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
- i. The means of access into the site for all construction traffic.
  - ii. The parking of vehicles of site operatives and visitors.
  - iii. The management of vehicular and pedestrian traffic.
  - iv. Loading and unloading of plant and materials.
  - v. Storage of plant and materials used in constructing the development.
  - vi. Wheel cleansing facilities.
  - vii. The sheeting of lorries leaving the site.

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

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

6. No development shall commence on site, other than site clearance and general enabling works, until full engineering design and details of the new access off the A473 junction including the provision of a 2m wide footway and 3m wide cycle way leading to the proposed new school has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be in compliance with the Design Manual for Roads and Bridges and shall be implemented to the satisfaction of the Local Planning Authority prior to the development being brought into beneficial use.

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

7. Before the development hereby approved is brought into beneficial use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted plan ref. Proposed Site Layout – 152761-STL-XX-XX-DR-A-XXXX-09003 Rev. PL11 and approved 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.

8. Before the development hereby approved is brought into beneficial use a Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers' Association guidelines and be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to the development being brought into beneficial use.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with PPW and Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

9. Within 6 months of the development hereby approved being brought into beneficial use a Travel Plan which sets out proposals and targets together with a timescale to limit or reduce the number of single occupancy journeys to the site and to promote travel by sustainable modes of travel shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within 1 month following its approval and be maintained and monitored thereafter. Annual reports demonstrating the progress in promoting sustainable transport measures shall be submitted to the Highway Authority on each anniversary of the first beneficial occupation of the development.

Reason: To ensure satisfactory provision for alternative travel modes to and from the site and the use of sustainable travel methods, in accordance with PPW and Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

10. 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 Rhonda Cynon Taf Local Development Plan.

11. No development shall commence on site, other than site clearance and general enabling works, until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- i. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.



- ii. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
- iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

12. The development hereby approved shall not be brought into beneficial use until the measures approved in the scheme referred to in condition 11 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

13. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks to health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Community use of the school building and outdoor sports and recreation facilities hereby approved shall be restricted to the following hours only:

- 7.45am to 8pm Mondays to Fridays
- 8am to 1pm on Saturdays
- Not at all on Sundays or Bank Holidays

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. The use of the outdoor sports and recreation facilities hereby approved shall be restricted to 7.45am to 6pm Monday to Friday only until such time as a scheme detailing the proposed activities and intended hours of operation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of a consultation exercise with neighbouring residents, the scope of which shall be first agreed in writing with the Local Planning Authority, designed to take the views of local residents into account. The subsequent use of the outdoor sports and recreations facilities shall be in strict accordance with any scheme as may be approved.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0823/10 (GRD)  
**APPLICANT:** Cornerstone  
**DEVELOPMENT:** Installation of a 35m lattice tower supporting 3 no. antennas, 2 no. transmission dishes, 1 no. equipment cabinet, 1 no. meter cabinet and ancillary development thereto, including a generator and associated fuel tank, a fenced compound for the Shared Rural Network project on behalf of Cornerstone (Amended plans received 25/05/2023 and Ecological Assessment Received 05/10/2023)  
**LOCATION:** LAND AT RHIGOS FORESTRY, RHIGOS ROAD, RHIGOS, ABERDARE  
**DATE REGISTERED:** 13/07/2022  
**ELECTORAL DIVISION:** Hirwaun, Penderyn and Rhigos

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**RECOMMENDATION:** Approve, Subject to conditions

**REASONS:** Whilst it is acknowledged that the new lattice tower and equipment would form visible features in the immediate locality, the general design and appearance of the additions are considered acceptable and typical of the design of many modern telecommunications masts that are commonly found throughout the Borough. Due to the design and siting of the proposal, it is not considered that the development would harm the character of the area or the qualities of the local landscape.

The proposal would also not be considered to harm the features of the Site of Importance for Nature Conservation (SINC) and would have no unacceptable impact upon features of importance to landscape and nature conservation. No objections were received from the Council's Ecologists or Natural Resources Wales following consultation and as such, the proposal is considered compliant with Policy AW8 of the Local Development Plan.

It is also noted that the development would conform with ICNIRP (International Commission on Non-Ionizing Radiation Protection) and would be operated in full compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

**In light of the above, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

- This application is reported to Committee as it is a full application for a telecommunications mast and associated apparatus.

## **APPLICATION DETAILS**

Full planning permission is sought for the installation of a telecommunications mast, associated apparatus and palisade fencing on a small parcel of land at Rhigos Forestry. The works would comprise of the following:

- 1 no. 35m high lattice tower mast on a concrete foundation. The lattice tower mast would be painted olive drab colour and would accommodate 3no. antennas, 2no. transmission dishes;
- 1 no. equipment cabinet and 1no. meter cabinet to house the necessary associated equipment;
- 2.4m high palisade fencing painted fir green, including an access gate along the northern boundary.

The applicant has detailed that the radio base station and associated equipment is required to improve service provision for Vodafone Limited and Telefonica UK Limited, ensuring that the latest 4G service provision is provided in this area. The proposal is also part of the UK Government backed scheme called Shared Rural Network (SRN), which is a collaboration between the Mobile Network Operators (MNO) Vodafone and Telefonica, and the UK Government to improve 4G coverage for people living, working and travelling in poorly served rural areas.

The applicant further notes that as part of Cornerstone's continued network improvement programme, and the UK Government's aspiration to broaden geographic coverage to 95% of the UK by the end of 2025, there is a specific requirement for a new installation at this location to provide 4G coverage and capacity, ensuring this area of Rhigos and its rural surroundings have access to good, reliable advanced telecommunications.

The applicant has included details of six alternative sites considered prior to selecting the proposed site and design and concluded that the application site was considered the best option and represents the least environmentally intrusive, technically suitable, available option.

It is also noted that a declaration of conformity with ICNIRP (International Commission on Non-Ionizing Radiation Protection) Public Exposure Guidelines has been submitted with the application stating that the proposed installation would be operated in full

compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

Amended plans were provided on 25/05/2023 with a slight amendment to the design of the telecommunications mast. Furthermore, an ecological assessment was provided for the Local Planning Authority's consideration on 05/10/2023.

## **SITE APPRAISAL**

The application site forms a small parcel of land located at Rhigos forestry. The site is in a relatively isolated position located approx. 300m to the south of Llyn Fawr and located approx. 2.4km to the south of the village of Rhigos. The site would be accessed via an unnamed track which joins Rhigos Road (A4061).

The application site is set back approx. 160m from the top of an escarpment and lies in marshy grassland surrounded by pockets of coniferous plantation. To the northeast of the site, approx. 350m away, lies part of the Zip World Tourist Attraction.

The application site lies outside settlement boundary limits and within an identified Site of Importance for Nature Conservation (SINC), specifically the Mynydd Blaenrhondda and Mynydd Ty-isaf SINC.

## **PLANNING HISTORY**

09/1311/04: APPROXIMATELY 47 KM<sup>2</sup> OF LAND SOUTH OF THE HEADS OF THE VALLEYS ROAD (A465) BETWEEN NEATH & ABERDARE, TO THE NORTH OF MAERDY, TREORCHY, & GLYNCORRWG AND TO THE EAST OF TONMAWR. *'Application under S36 of the Electricity Act. Construction/operation of a 299MW wind turbine generating station (84 turbines, 4 anemometry masts and associated infrastructure.'* Granted, 07/10/2011

16/0238/38: APPROXIMATELY 47 KM<sup>2</sup> OF LAND SOUTH OF THE HEADS OF THE VALLEYS ROAD (A465) BETWEEN NEATH & ABERDARE, TO THE NORTH OF MAERDY, TREORCHY, & GLYNCORRWG AND TO THE EAST OF TONMAWR: *'Discharge of Condition 16 (Traffic Management Plan) for planning application 09/1311/04'*. Withdrawn, 04/04/2016

16/0803/38: PEN Y CYMOEDD WIND FARM. *'Discharge of Conditions 47 and 48 (Habitat Management Programme ("HMP")) of planning permission 09/1311'*. Granted, 24/05/2017

## **PUBLICITY**

The application has been advertised by means of site notices. No third-party representations or objections have been received.

**CONSULTATION:**

Rhigos Community Council

No adverse comments received.

Local Highway Authority

No objections.

Flood Risk Management

No objections.

Public Health & Protection

No objections. Condition and advisory notes recommended.

Natural Resources Wales

No objections, subject to condition.

Wales & West Utilities

No adverse comments received.

Health and Safety Executive

No adverse comments received.

Rights of Way Officers

No adverse comments received.

Ecology

No objections, subject to conditions.

Ministry of Defence

No adverse comments received.

Civil Aviation Authority

No adverse comments received.

Cardiff Airport

No objections.

National Air Traffic Services

No objections.

Neath Port Talbot CBC

No objections.

Bannau Brycheiniog (Brecon Beacons) National Park Authority

No adverse comments received.

## 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 relates to a parcel of land located outside settlement boundary limits and within an identified Site of Importance for Nature Conservation (SINC). The following policies are relevant in the determination of this application:

**Policy CS1 (Development in the North):** sets out criteria for achieving strong, sustainable communities in the Northern Strategy Area.

**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 placemaking, including landscaping.

**Policy AW8 (Protection and Enhancement of the Natural Environment):** seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

**Policy AW10 (Environmental Protection and Public Health):** outlines that development proposals would not be permitted where they would cause or result in a risk of unacceptable harm to health and/ or local amenity.

### **Supplementary Planning Guidance**

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

### **National Guidance**

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

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

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

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

- Policy 1 – Where Wales will grow
- Policy 13 – Supporting Digital Communications
- Policy 14 – Planning in Mobile Action Zones

Other relevant national 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 19: Telecommunications;  
PPW Technical Advice Note 23: Economic Development

## **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**



This application seeks full planning permission for the installation of a telecommunications mast and associated ground-based equipment cabinets at Land at Rhigos Forestry.

It is acknowledged that the application site is located outside settlement boundary limits; however, due to the nature of the proposal and that the proposed telecommunications mast forms part of the UK Government backed scheme called Shared Rural Network (SRN) to improve 4G coverage for people living, working and travelling in poorly served rural areas, it is considered acceptable and appropriate to locate such apparatus in a more rural area.

Additionally, the scale and design of the proposed mast and associated cabinets are confined to what is operationally required to implement the latest 4G telecommunications network in the area.

Planning Policy Wales identifies that adequate and efficient telecommunications infrastructure is crucial for economic and social sustainability and that the availability and exchange of information afforded by telecommunications ensures people are connected to important services, their communities, and the wider world for long term prosperity. It is noted that the installation would improve telecommunications provisions within the surrounding area and would therefore support national planning policy aims.

The proposed development is therefore considered acceptable in principle, subject to an assessment of the criteria identified below.

### **Visual Impact**

Given the nature of the proposed development, a 35m high lattice mast and associated cabinets and palisade fencing would inevitably form a visible feature. However, although tall, the mast would have little mass and its lattice construction would allow for some transparency which would enable it to blend into the hillside and against the skyline. The proposed structure and associated cabinets and fencing would undoubtedly introduce visual change to its immediate context; however, it is not considered that this would cause harm to the wider quality of the landscape.

The general design and appearance of the development would be considered acceptable and typical of the design of more modern telecommunications masts that are commonly found throughout the Borough. Additionally, the proposed mast would also be somewhat screened by trees to the north and south of the site, obscuring views of the proposed structure when viewed from further afield. It is also considered that the associated 2.4m high palisade fencing and cabinets are considered relatively low in height and would be unobtrusive in the wider landscape.

Furthermore, it should be noted that the Pen y Cymoedd Wind Farm lies to the south of the application site, where large wind turbines form a prominent addition within the

landscape. Within this context, the proposed lattice mast would not be considered to form an overly prominent addition within the landscape which would detriment the qualities of the local landscape.

Overall, the visual impact of the proposed mast is considered acceptable and would not be considered to harm the character of the site or qualities of the landscape at this location.

### **Impact on residential amenity and public health**

The application site is in a rural location with no immediate neighbouring properties. Therefore, given the nature of the proposed development, it is not considered that the introduction of a mast at this location would impact upon the amenity or privacy standards of residents in the locality.

It is also noted that a declaration of conformity with ICNIRP (International Commission on Non-Ionizing Radiation Protection) Public Exposure Guidelines has been submitted with the application stating that the proposed installation would be operated in full compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

As such, it is not considered that the proposed apparatus would have an undue impact on the health and safety of residents within the wider locality. It is also noted that following consultation, no objections were received by the Council's Public Health and Protection Department.

### **Access and highway safety**

No objections have been received or conditions suggested from the Local Highway Authority following consultation. The Local Highway Authority consider that the mast would come in smaller lengths and would be assembled on site, reducing the size of delivery vehicles which are required. The Local Highway Authority therefore consider that the proposal relates to a relatively small scale of operation and the proposed mast would be accessed off an existing approved access track. Overall, the development does not raise highway safety concerns.

### **Ecology:**

The application site is located approx. 50m from the Craig-y-Llyn Site of Special Scientific Interest (SSSI). The SSSI is noted for its high cliffs, ravines, and flushes, that support many montane species of plants on the cliffs and bryophytes on flat boulders on the plateau. In the waterbody known as Llyn Fach occurs a range of scarce and important plant species, some in their southernmost range and which are dependent upon good water quality. Bryophytes are known to be sensitive to air borne pollution.

Natural Resources Wales (NRW) consider that, due to the nature of the development, which includes an assumed range of construction techniques, use of concrete fuel and other potential air and water borne pollutants that have not been explained by the developer but implied through the information provided, there appears to be a variety of potential pollution sources and pathways that could impact on the designated features.

Consequently, given that there are potential pathways for pollution to the adjacent Craig y Llyn SSSI from the proposals, NRW have raised concerns about potential impacts during construction and from fuel storage post construction. As such, NRW have suggested that further information regarding the potential for pollution and mitigation techniques should be sought via a Construction Environmental Management Plan (CEMP) secured by an appropriately worded condition.

The site is also located within the Mynydd Blaenrhondda and Mynydd Ty-isaf Site of Importance for Nature Conservation (SINC). An Ecological Assessment has been submitted in support of the planning application. NRW have noted that the detail and recommendation put forward in relation to breeding birds as suitable. NRW have also agreed to recommendations set out in the report regarding heras fencing to minimise the extent of works and that turf removed to facilitate works would be stored separately and reused on completion of works.

Some concerns were raised by the Council's ecologists with regards to water voles possibly being present at the site; however, the Ecological Assessment confirmed the absence of water vole habitat on site, and NRW have confirmed that they are satisfied that the proposed development would not impact upon water voles at this location. As such, no objections were raised by the Council's ecologists in this respect. Additionally, following the submission of an Ecological Assessment, the Council's Ecologists have confirmed that they offer no objections to the proposal subject to conditions ensuring the delivery of biodiversity enhancement identified within the ecological assessment.

Overall, the proposal would not be considered to harm the features of the Site of Importance for Nature Conservation (SINC) and would have no unacceptable impact upon features of importance to landscape and nature conservation. The development is therefore considered compliant with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

**Other Issues:**

No objections were raised by the Council's Flood Risk Management section following consultation.

No objections have been received from the Council's Public Health and Protection division in respect of the application, they did however suggest several conditions be attached to any consent in relation to 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 instead.

Following Consultation. No objections were received by Brecon Beacons National Park or Neath Port Talbot Local Planning Authorities.

### **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**

Whilst it is acknowledged that the new lattice tower and equipment would form visible features in the immediate locality, the general design and appearance of the additions are considered acceptable and typical of the design of many modern telecommunications masts that are commonly found throughout the Borough. Due to the design and siting of the proposal, it is not considered that the development would harm the character of the area or the qualities of the local landscape.

The proposal would also not be considered to harm the features of the Site of Importance for Nature Conservation (SINC) and would have no unacceptable impact upon features of importance to landscape and nature conservation. No objections were received from the Council's Ecologists or Natural Resources Wales following consultation and as such, the proposal is considered compliant with Policy AW8 of the Local Development Plan.

It is also noted that the development would conform with ICNIRP (International Commission on Non-Ionizing Radiation Protection) and would be operated in full compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

In light of the above, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

### **RECOMMENDATION: Approve, subject to 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 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Maps. Drawing Number 100. Rev B
- Proposed Site Plan. Drawing Number 200. Rev D
- Proposed Site Elevation. Drawing Number 300. Rev D

And documents received by the Local Planning Authority on 05/07/2022, 25/05/2023 and 05/10/2023 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 or phase of development, including site clearance, shall commence until a 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;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoils, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Control of Nuisances: details of dust control measures and measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Pollution Prevention: details to demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- 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: A CEMP ensures necessary management measures are agreed prior to commencement of development and are 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 '5. Assessment' of the Ecological Assessment (October 23) Issue 3, undertaken by the ecology Practice, dated 05/10/23.

Reason: In the interest of nature and ecological conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0679/10 (GRD)  
**APPLICANT:** D2 PropCo Limited  
**DEVELOPMENT:** Change of use from bed and breakfast to House in Multiple Occupation (HMO) use (Amended Plans received 30/08/2023)  
**LOCATION:** CENTRAL HOUSE GUEST HOUSE, STOW HILL, TREForest, PONTYPRIDD, CF37 1RZ  
**DATE REGISTERED:** 30/08/2023  
**ELECTORAL DIVISION:** Treforest

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**RECOMMENDATION:** Approve, Subject to conditions

**REASONS:** Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector and the proposal would assist in providing additional accommodation within this sector. However, it is also acknowledged that multiple occupation of a house can involve the intensification of its residential use and that this intensification of occupation could result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours, and the local community. Notwithstanding, the application site is in a predominantly residential area and in a sustainable location with good access to public transport and key services and facilities which is considered acceptable. Furthermore, the application complies with relevant policies of the Council's Houses in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG).

The site also relates to an existing building and the proposal would be residential in nature, which is considered acceptable. The proposal would not involve substantial external alterations and would not be considered to impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- A written request has been received from Councillor Steve Powderhill for the application to be reported to the Development Control Committee.

## **APPLICATION DETAILS**

Full planning permission is sought for the conversion of an existing bed and breakfast to a House in Multiple Occupation (HMO). The applicant has confirmed that the conversion would not involve external changes at the property, except for some minor works including replacing windows and a small screening fence to the decking to the rear of the site.

The proposed House in Multiple Occupation would contain 11 bedrooms, 5 of which would benefit from en-suite facilities, arranged over two floors of the property. The HMO would also have a living room, kitchen, office and shower room and W/C to ground floor, with a further bathroom to first floor and storerooms, a bathroom and internal 'amenity space' for residents to the second floor of the building.

Amended plans were received on 30/08/2023 which provided a slight amendment to the application site red line boundary. The amended plans provided also reduced the bedrooms proposed at the HMO from 13 to 11 and included an additional indoor 'amenity space for residents' along with store rooms to the second floor.

## **SITE APPRAISAL**

The application site relates to Central House Guest House, a detached bed and breakfast guest house, situated in a predominantly residential area of Treforest, towards the western edge of the village at the top of Stow Hill. The site is bound to the north and east by the adjacent highway with a small lane to the south of the site. Some shrubbery and trees are sited along the northwest of the site, with a neighbouring property's garden positioned to the west of the application site.

Vehicular access to the building is gained from the southeast via Stow Hill and the property benefits from parking areas within its curtilage to the front of the building. Pedestrian access can be gained to the property from both Stow Hill and via the adjacent lane to the south of the site. The application site also contains an outbuilding to the rear of the guest house along with an existing raised decking area.

Surrounding properties vary in terms of scale and design being a mixture of traditional terraced and more modern detached and semi-detached dwellings.

## **PLANNING HISTORY**

21/0617/10: CENTRAL GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ. '*Proposed two bedroom annexe ancillary to and in the grounds of Central Guest House, Stow Hill, Pontypridd*'. Granted, 04/10/2021

14/0254/10: LAND ADJACENT TO CENTRAL GUEST HOUSE, STOW HILL, TREFOREST, PONTYPRIDD, CF37 1RZ: '*Retrospective dry room/store*'. Granted, 02/05/2014



05/2070/10: LAND OFF STOW HILL, TREFOREST, PONTYPRIDD. '*Proposed construction of residential property to serve as bed and breakfast establishment*'. Granted, 14/04/2006.

05/0219/10: LAND AT STOW HILL, TREFOREST, PONTYPRIDD: '*Temporary permission for siting of caravan for applicants residential use*'. Granted, 12/05/2006

05/0091/10: LAND OFF STOW HILL, TREFOREST, PONTYPRIDD: '*Proposed Bed & Breakfast Accommodation*'. Refused, 01/09/2005.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and through the erection of a site notices in the vicinity of the site. No letters of objection were received from neighbours following consultation.

## **CONSULTATION:**

### Pontypridd Town Council

Object strongly to the planning application. The objections received from the Town Council are as follows:

- Traffic and Parking – The Town Council consider that the area has issues with traffic and parking and that parking is currently inadequate. The proposal would exacerbate the issue for residents and businesses and would negatively impact the quality of local residents' amenities.
- The Town Council also consider that the proposal would potentially cause mental distress, contrary to creating a 'Healthier Wales' and contrary to the 'Well-being of Future Generations (Wales) Act 2015'
- The Town Council consider that there is a surplus of student accommodation available in the immediate area and as such, they consider that local residents and their families are being forced to move from the community, which would not be deemed satisfactory to the sustainability of the community.

### Local Highway Authority

No objections.

### Flood Risk Management

No objections.

### Public Health & Protection

No objections, subject to condition. Advisory notes recommended.

Dwr Cymru/ Welsh Water

No objections, subject to condition. Advisory notes recommended.

South Wales Police

No objections. Advisory notes recommended.

South Wales Fire and Rescue Service

No objections

Rights of Way Officers

No adverse comments received.

The Local Member for the ward, Councillor Steve Powderhill, has raised concerns with the application and has stated his concerns with Houses in Multiple Occupation (HMO) properties. The Local Member has noted that the guest house has 6 letting rooms and that the proposed 11 bed HMO would double the occupancy with concerns raised with regards to the number of occupants at the site. The Local Member further noted that they understood the need for this type of accommodation, however objected to the number of occupants proposed.

## **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 relates to an existing Bed and Breakfast facility. The following policies are relevant in the determination of this application:

**Policy CS2 (Development in the South):** sets out criteria for achieving sustainable growth including development that benefits Rhondda Cynon Taf as a whole.

**Policy AW1 (Supply of New Housing):** sets out how the Council will meet the housing land requirement during the plan period.

**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 placemaking, including landscaping.

**Policy AW8 (Protection and Enhancement of the Natural Environment):** seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

**Policy AW10 (Environmental Protection and Public Health):** development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy SSA13 (Housing Development Within Settlement Boundaries):** Outlines criteria for permitting development within the defined settlement boundaries.

### **Supplementary Planning Guidance**

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

Development of Flats

Houses in Multiple Occupation (HMO)

### **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.

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 national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

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 an existing bed and breakfast to a House in Multiple Occupation (HMO).

The application site is in a predominantly residential area and most of the application site, including the guest house itself and the site's associated parking area are within settlement boundary limits. However, minor parts of the application site including an existing outbuilding and decking area are located just outside the settlement boundary line. The site nonetheless has good access to key services and facilities, being located close to bus routes and within walking distance of both Treforest Train Station and the main retail centre of Treforest.

It is recognised that Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector. HMOs are needed to provide accommodation for low-income individuals or small households who would otherwise be in hostels, overly large households or even homeless. They are popular with students, young, single employed or unemployed persons, small households unable to afford self-contained accommodation and small households who need flexibility to move home. Accordingly, such residents are often transient, with a high turnover of population within these communities.

However, it is also acknowledged that multiple occupation of a house can also involve the intensification of its residential use and that this intensification of occupation could result in increased levels of activity in and around the house, which can have negative impacts on occupants, their neighbours, and the local community.

The Council therefore has a Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (SPG) with relevant policies relating to proposals for Houses in Multiple Occupation (HMOs) in Rhondda Cynon Taf, and Treforest specifically. The SPG has the twin purpose of identifying when it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community and secondly, provide guidance on standards of HMOs and how they should be developed.

The application site relates to a detached building and as such, the development would not result in the 'sandwiching' of non-HMO properties and would not result in more than two HMOs being sited directly adjacent to each other, and as such, the proposal complies with 'Policy HMO 3 – Sandwiching and Adjacent HMOs' of the SPG.

The application site is in Treforest. 'Policy HMO 1 – 20% Threshold Area in Treforest' stipulates that within the Treforest Ward, a threshold of 20% of HMO dwellings (as a percentage of all residential properties) within a 50 metre radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

A search of the Council's records shows that there is one other HMO dwelling within 50 metres of the application property, out of a total 20 properties within a 50 metre radius of the planning application address. The provision of an HMO at the application site would therefore not result the 20% threshold being exceeded, and the proposal complies with Policy HMO 1 of the Houses in Multiple Occupation (HMOs) SPG.

Overall, the proposal is considered to comply with relevant policies of the Local Development Plan in terms of its sustainable location within a residential area. Furthermore, the proposal complies with relevant policies contained within the Council's adopted Houses in Multiple Occupation (HMO) SPG. Consequently, it is considered that the general principle of providing a House in Multiple Occupation at this location is considered acceptable.

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

The proposal would not result in any major external alterations to the property. The character and appearance of the property would therefore remain as existing. Furthermore, the proposal complies with the Council's adopted Houses in Multiple Occupation (HMOs) SPG and it is considered that the provision of an HMO at this location, being residential in nature, would not be considered to alter or harm the general character of the area.

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

The proposal would not result in any substantial external alterations to the property and as such, the outlook gained from the property would remain as existing and it

would not be considered that the proposed development would adversely impact upon the privacy of neighbouring occupiers or their amenities by ways of overshadowing or overbearing.

The building is an existing guest house, and as such, there are existing comings and goings to and from the site. It is acknowledged that the provision of an 11 bed HMO could cause some additional disturbances and noise at the site; however, this would not be considered a significant increase or excessive. Furthermore, the application site is a substantial detached building which is bound to the north, east and west by the adjacent highway, all of which provide a degree of separation from other properties within the immediate vicinity thus lessening any additional disturbances caused. The site is also bound to the west by a line of trees and hedgerow which provide some additional privacy for occupiers to the west of the site. Overall, the proposal would be residential in nature, and it is not considered that the development would excessively increase the level of disturbance at the site and would not significantly harm the amenities of neighbouring occupiers.

Concerning future occupiers of the HMO. Bedrooms and habitable rooms offer reasonable levels of outlook, and the property would provide future occupants with a kitchen, office, living room, an internal room providing 'amenity space for residents', two storerooms and a total of 3 bathrooms and 5 en-suites. Overall, the application site is considered of a sufficient scale and the development proposal would provide adequate space for people's living needs.

The proposed HMO would provide limited outdoor amenity space for future occupiers, with only a small, raised decking area to the rear of the site and some areas around the building provided for future residents. However, the site is situated close to public rights of way routes and is within walking distance of other outdoor open spaces and recreational routes and other facilities and amenities within Treforest, which is considered sufficient to compensate for the lack of outdoor amenity space provided at the application site. It is also considered that sufficient space exists within the grounds of the application site for the storage of bins, recycling, and food waste.

Comments from the Town Council, who consider that the proposed HMO would potentially cause mental distress and would be contrary to a 'Healthier Wales' and contrary to the 'Well-being of Future Generations (Wales) Act 2015 have been considered; however, as discussed above, the Local Planning Authority consider that the proposal would be acceptable in terms of its impact upon residential amenity. Comments were also received from the Local Member who noted that the existing facility contained 6 guest bedrooms rather than the 8 shown on the developer's plans. Whilst this discrepancy is noted, the Local Planning Authority have nonetheless assessed the application as a change of use from an existing guest house to an 11-bedroom HMO and consider the proposal to be acceptable in principle and in terms of its impact upon residential amenity and privacy.

Overall, it is not considered that the proposal would significantly harm the amenities of neighbouring occupiers and the proposal is considered acceptable in terms of its impact on residential amenity and privacy.

### **Access and highway safety**

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received from the Local Highway Authority are summarised as follows:

#### Location:

Although located on a steeply sloping street the location is in a sustainable location close to local amenities and facilities including public transport and the University of South Wales Campus at Treforest.

Whilst there is high demand for on street parking within the surrounding area, no parking restriction or residents parking bays have been implemented along Stow Hill in the vicinity of the site.

#### Access:

The property is served off Stow Hill which provides continuous footway links on both sides of the carriageway leading to the proposed. On-street turning facilities are also provided near the proposed at Pen yr Ysgol.

No alterations to the existing access arrangements that served the use of the property as a guest house are proposed and the existing access is considered acceptable to provide safe access to the highway.

#### Parking:

The existing use as a bed and breakfast has a parking requirement of 1 commercial vehicle space, 1 space per 3 non-residential staff and 1 space per bedroom in accordance with the Council's SPG: Access, Circulation and Parking Requirements (March 2011).

The existing guest house provides 4 spaces marked within the carpark along with circulation, although it is considered that if blocking of cars could be managed an additional 4 vehicles could potentially be accommodated within the car parking area.

In accordance with the Councils' SPG Houses in Multiple Occupation (HMOs) 2018, the proposed change of use to HMO within parking zones 2-4 would require 1 space per bedroom up to a maximum of 3 spaces (for residents) and 1 spaces per 5 units for visitors.

On this basis the proposed would require 3 spaces for residents plus 2 spaces for visitors with 4 spaces provided.

The Local Highway Authority consider that the shortfall in parking is one space for visitor parking. Given the nature of the Council's Access, Circulation and Parking Requirements SPG, which is based on maximum parking, and that the proposed development would be in a sustainable location close to public transport routes with potential to accommodate short-term visitor parking on street or within the off street carpark by means of double parking by agreement. The Local Highway Authority consider that the parking provision is considered acceptable.

#### Local Highway Authority Recommendation:

The application site is located in a sustainable location with access to local amenities and facilities including the University of South Wales and public transport.

Whilst there is high demand for on street parking within the surrounding area, no parking restriction or residents parking bays have been implemented along Stow Hill in the vicinity of the site.

In accordance with the Councils Supplementary Planning Guidance (SPG) Parking Access and Circulation (March 2011) and Supplementary Planning Guidance (SPG) Houses in Multiple Occupation (HMOs) (May 2018), the proposed change of use would require a lesser parking provision of 3 spaces for residents and 2 spaces for visitor parking. With a total of 4 spaces provided.

Comments and objections received from the Town Council in relation to parking and traffic have been noted and considered; however, the Local Highway Authority have raised no such concerns with the application. Considering that the Council's Access, Circulation and Parking Requirements SPG, which is based on maximum parking, the location of the development in a sustainable location close to public transport routes and potential to accommodate short term visitor parking on street or within the off street carpark by means of double parking by agreement, the parking provision is considered to acceptable

Considering the above assessment, no highway objections have been raised by the Local Highway Authority, nor conditions suggested.

#### **Other Issues:**

Following consultation, the South Wales Fire and Rescue Service have no objections to the proposed development.

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust, and waste. The Council's Public Health Department have also noted that all work must be completed with current Building Regulations and that the HMO must adhere to the Council's space and amenity standards.



Furthermore, under the Wales wide Mandatory Licensing Scheme, HMOs that are 3 storeys or more and occupied by 5 or more persons living in 2 or more households are required to be licensed. In addition to those buildings that require a licence under Mandatory Licensing, from the 1<sup>st</sup> April 2019 all HMOs in the borough are required to be licensed under the Additional Licensing (Houses in Multiple Occupation) Scheme 2019. As such, the proposed HMO will need a licence and will need to meet the required amenities and facilities standards. An advisory note is recommended to any grant of planning permission notifying the developer that a HMO licence will be required for the property.

South Wales Police have also been consulted on the planning application and have offered no objection to the proposal. South Wales Police have noted that they recognise that there is a specific Supplementary Planning Guidance (SPG) in relation to Houses in Multiple Occupation (HMO) at the Council and consider that the application should be assessed in line with said SPG. South Wales Police have further issued several recommendations within their consultation response, including recommendations relating to 'Secured by Design' standards, which are recommended as advisory notes to any grant of planning consent.

No major external or internal alterations are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of Tan 15. The review concluded that the site does not fall within an area of surface water flood risk. Following consultation, the Council's Flood Risk Management Department does not object to the proposal.

Welsh Water have offered no objections to the proposal, subject a condition stipulating that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. However, due to the nature of the proposed development and that no extensions are proposed, the condition would not be considered necessary. Welsh Water have also noted that the site is crossed by public sewers and watermains and an advisory note is recommended to any grant of planning permission advising the developer as such.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

## Conclusion

Houses in Multiple Occupation (HMOs) have a key role to play in meeting housing need within the Social Rented sector and the proposal would assist in providing additional accommodation within this sector. The application site is in a predominantly residential area and in a sustainable location with good access to public transport and key services and facilities which is considered acceptable. Furthermore, the application complies with relevant policies of the Council's Houses in Multiple Occupation (HMO).

The site also relates to an existing building and the proposal would be residential in nature, which is considered acceptable. The proposal would not involve substantial external alterations and would not be considered to impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

## **RECOMMENDATION: Approve, subject to 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 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941. C. 01. Received by Local Planning Authority 30/08/2023.
- Central Guest House, Stow Hill, Treforest, PONTYPRIDD. Rhondda Cynon Taff CF37 1RZ. Drawing No. 2941 C. Received by Local Planning Authority 30/08/2023.

And documents received by the Local Planning Authority on 26/06/2023, 07/07/2023 and 30/08/2023 and 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. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local

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

Reason: Future Wales requires all development to maintain and enhance biodiversity.

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## PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0905/10 (AM)  
**APPLICANT:** Mr W Cameron  
**DEVELOPMENT:** Retrospective removal of garage/shed to replace with a prefabricated shed and garage together with some vertical feather edge board fence 1800mm high.  
**LOCATION:** 16 BAPTIST ROW, BLAENLLECHAU, FERNDAL, CF43 4NY  
**DATE REGISTERED:** 07/08/2023  
**ELECTORAL DIVISION:** Ferndale and Maerdy

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#### RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

**Reasons:** The principle of development at the site is considered acceptable. In addition, it is not considered the proposal would result in a significant impact upon the character and appearance of the area, the residential amenity of the surrounding neighbouring properties, or highway safety within the vicinity of the site. The application is therefore considered to comply with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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#### Reason Application Reported to Committee

- Three or more letters of objection have been received.

#### Application Details

Full planning permission is sought for the retention of a prefabricated shed and a separate prefabricated garage along with boundary fencing at 18 Baptist Row, Blaenllechau, Ferndale. The buildings to be retained have replaced a former garage and separate shed sited in a similar position and are used for domestic purposes.

The shed to be retained is sited towards the western boundary of the rear garden area with the garage towards the eastern boundary. The shed measures a width of 2.7 metres, a depth of 4.2 metres with a pitched roof measuring a height of 2.7 metres sloping down to 2.1 metres at the eaves. The garage measures a width of 4.8 metres, a depth of 5 metres with a pitched roof measuring a height of 2.7 metres sloping down to 2.1 metres at the eaves. Both the shed and garage feature a window at the northern

elevation and a pedestrian door at the eastern elevation. The garage also features two garage doors in the southern elevation. Both buildings are finished in a pebble dash.

The area of ground to the south of the garage has been laid with a gravel/hardcore to form a yard area. Surrounding this area to the west is timber, close board fencing measuring a height of 1.5 metres. Further timber, close board fencing to a height of 1.8 metres has been erected along the eastern boundary. Gates opening inwards with a height of 2 metres and a width of 4.1 metres are located centrally along the eastern boundary.

## **Site Appraisal**

The application site relates to a two-storey, semi detached dwelling located within Blaenllechau, Ferndale. The principal elevation of the property faces a north eastern direction and is set below the public highway at Baptist Row. To the rear is a large, enclosed amenity area bound by a neighbouring garden curtilage to the west, a private lane to the east, and Baptist Square to the south.

## **Planning History**

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

## **Publicity**

The application has been advertised by direct notification to neighbouring properties and a site notice. 4 Letters of objection and 2 letters of support have been received, which raised the following points (summarised):

### Objections

- The lane adjacent to the site has been used by residents for parking for 14 years. The garage now uses this access and has stopped parking in the lane.
- Part of the fence near the bridge block's view from a disabled ramp at the adjacent property, increasing risk when exiting the property.
- The placement of loose chippings has spread into the lane and has created a hazard to wheelchair users.
- Garage is not being used for parking purposes and appears to be used as a workshop.
- Parking is limited on the street and parking in the lane is the only option for a wheelchair user at the adjacent property for ease of access.
- Fence is on unregistered land.

### Supporting

- Improved the area and made it look much cleaner and safer.
- Has removed the rat run.

- Development has greatly improved the area.

## **Consultation**

Highways and Transportation - no objections raised.

## **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 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 LPD 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 defined limits of Ferndale as set out in the Local Development Plan.

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 placemaking.

### 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.

Given the 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 national planning policy guidance consulted:

- PPW Technical Advice Note 12: Design

### **Reasons for Reaching the Recommendation**

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

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

### **Main Issues**

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

The application seeks consent for the retention of a prefabricated shed and garage along with boundary fencing at an existing residential dwelling, constructed to improve living conditions at the property. The principle of development is therefore considered acceptable, subject to compliance with the relevant material considerations set out below.

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

Policy AW5 stipulates that the scale, form, and design of a development should not have a detrimental effect on the site or surrounding area. Similarly, Policy AW6 is supportive of proposals that are of a high standard of design, reinforce attractive qualities, and that are appropriate to the local context.

It is considered that the outbuildings are of a design and appearance that are appropriate to their setting and to the visual amenity of the area, being of a similar design and scale to many other garden outbuildings found in the area. Furthermore, set within the site they are largely screened from view so have little impact upon the



adjacent street scene. The timber fencing is also considered acceptable in visual terms, being of an appropriate height and a common feature of the locality.

Therefore, it is considered that the development is acceptable and in keeping with the character and appearance of the area.

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

The garage and shed are located to the rear of no. 16 Baptist Row, roughly centrally within the garden area. As such, given their relatively minor scale and height, it is not considered they are overbearing to or result in any loss of light to the closest neighbouring properties. In addition, as previously set out, there are a number of garages and sheds in the vicinity of the site so this type of development is typical of the area. Furthermore, the garage and shed would be for domestic purposes only, so the use would not impact upon the amenities of the surrounding neighbours. It is however considered necessary to add a restrictive condition to any consent to ensure the use of the buildings is limited for domestic purposes only.

With respect to the boundary fencing, as noted above, close board timber fencing is seen throughout this area and at only 1.8 metres in height, would have no undue impact the amenities of the surrounding neighbours.

The proposal is therefore not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **Highway Safety**

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. The following comments have been received:

In terms of access, the adjacent 3 Baptist Row has a rear footway access which is used for disabled access to the property due to the existing stepped access to the front off the public highway. It is noted that there is a dispute between the applicant and the adjacent resident with regards off-street car parking within the lane whilst maintaining access to the proposed garages. The lane in question is privately owned and therefore access is a civil matter between both parties. Furthermore, the application site has previously had garages with access required for off-street car parking via the lane.

The outbuildings provide for secondary off-street car parking which generates limited vehicular movement to and from Baptist Square and removes some degree of on-street car parking in an area where there is considerable demand, which is acceptable.

The vision from the proposed lane access is obstructed by the existing bridge abutment, the boundary of number 3 Baptist Square and on-street car parking.

However, taking into account the limited traffic from the proposed, the fact that there were garages on site previously, and the slow speed of traffic along Baptist Row, the proposed is acceptable in this respect. As such no highway objection is raised or condition suggested.

### **Other issues**

Regarding other concerns raised by objectors that haven't already been addressed, the objectors have commented that they have historically used the private access lane for parking and disabled access to the rear of their property, and that access to the outbuildings now prevents that. While this point is acknowledged, all development works have been undertaken on land under the ownership of the applicant, confirmed by the relevant Ownership Certificate being signed. Furthermore, access the private lane is a civil, private matter between the two parties that Council could not enter into.

### **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. In addition, it not considered the proposal would result in a significant impact upon the character and appearance of the area, the residential amenity of the surrounding neighbouring properties, or highway safety within the vicinity of the site. The application is therefore considered to comply with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

1. The development hereby approved shall be carried out in accordance with the approved plans
  - North east elevation of garage & shed as proposed.
  - South west elevation of garage & shed as proposed.
  - North west elevation of garage as proposed.
  - South east elevation of shed as proposed.
  - North west elevation of shed as proposed.
  - Ground plan as proposed.

and documents received by the Local Planning Authority on 07/08/2023, 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. The use of the garage and shed 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 they 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 safety of all highway users, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0994/08 (MF)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** Solar farm, including ground mounted solar panels, sub stations, inverters, access tracks, security fencing and private wire.  
**LOCATION:** LAND AT FORMER COED ELY COLLIERY, OFF THE A4119, COED ELY.  
**DATE REGISTERED:** 11/09/2023  
**ELECTORAL DIVISION:** Tonyrefail West

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**RECOMMENDATION:** Approve, subject to conditions.

**REASONS:** The provision of a solar farm in this location will result in a considerable contribution to the Local Authority's commitment to becoming 'net zero' in terms of its carbon footprint by 2050. Further, it will greatly assist in powering an existing nearby hospital to the benefit of all residents; and the delivery of clean, renewable energy provides clear environmental benefits.

It is accepted the proposed development will inevitably result in a degree of impact to the character and appearance of the area, but subject to appropriate conditions/mitigation, it is considered any potential impact would not be unacceptable.

Finally, it is not considered there would any undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon ecology and land drainage can be properly mitigated.

The proposed development is therefore considered to be in accordance with the aims and objectives of Future Wales 2040, Planning Policy Wales and the Rhondda Cynon Taf Local Development Plan. The application is subsequently recommended for approval.

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#### REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by the Council and the Council's interest is more than minor in nature.

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of a ground based solar farm across approximately 15ha of land adjacent to (west of) the former Coedely Colliery site (now Parc Coed Elai Business Park). The scheme would generate up to 6MW of power, 5MW to be connected directly to the National Grid and 1MW to be connected to the nearby Royal Glamorgan Hospital.

The scheme would comprise 10,992 photovoltaic (PV) panels, each secured to metal framework approximately 2.5m above ground level and with 4m between rows to allow sheep grazing to continue in future. The solar farm would have an east/west orientation meaning that 50% of the panels would face due east and 50% due west allowing use throughout the day. It is also noted that the panels would be installed at a 'non-conventional' low pitch of 10 degrees to significantly reduce any potential glint and glare sometimes associated with solar farms. An existing access from the adjacent Parc Coed Elai Business Park would be utilised, which in turn links to the nearby A4119.

The scheme would also include various landscaping works and biodiversity enhancement measures; 4 electricity substations; 18 inverters; 2m high perimeter fencing and CCTV; and internal service tracks.

It is detailed that the development has purposely been kept out of any high ecologically valued habitat and that very little site clearance would be required, limited to the immediate areas of the solar panel supporting structures and mostly consisting of minor hedgerow clearance and removal of some low ecologically valued grassland.

Below ground cables would connect the solar farm to the local distribution network and the nearby Royal Glamorgan Hospital, through the Business Park and under the A4119.

The applicant advises that the scheme has been developed with the primary goal of decarbonisation of the Council by delivering carbon reductions of over 7355 tonnes during its 40 year lifetime, after which the facility would be decommissioned and all equipment removed from site.

## **SITE APPRAISAL**

The main element of the application site is located in the open countryside to the west of the settlements of Coedely/Thomastown. It is located on a steep valley hillside, which rises from east to west, directly adjacent to the former Coedely Colliery site (west of) which is in the process of being redeveloped for employment use as Parc Coed Elai. Given its close proximity to the former Colliery site, this area of the site was subject to landfill associated with past industrial use but is now greenfield in character and used for grazing. Access is gained from a private gated maintenance track that

connects to the new employment site, which in turn connects to the nearby A4119 (Ely Valley Road).

The main settlements of Thomastown and Coedely are located approximately 0.5km to the north-east / south-east respectively. The immediate locality is therefore generally rural in nature, aside from the adjacent former Colliery site and several isolated residential dwellings scattered throughout the surrounding hillside.

The red line also extends southwards down the Valley to the nearby Royal Glamorgan Hospital, along the A4119. This is to accommodate an underground cable that would provide the public facility with energy generated by the solar farm.

The main element of the site is within the Mynydd Hugh and Llantrisant Forest Special Landscape Area (SLA); a Sandstone Resource Area; is an area of potentially contaminated land from previous industrial use and land reclamation; and is in an area where there is a high risk from historic underground coal mining. Public Right of Way (PRoW) RAN/6/7 also crosses through this element of the site. It is also noted that the main site is directly adjacent to the Tonyrefail Mountains and River Ely Sites of Importance for Nature Conservation (SINC).

The cable route is crossed by PRoW RAN/23/3 and a short section at the Coedely roundabout (A4119) is located within a C2 flood zone.

## **PLANNING HISTORY**

The surrounding hillside is subject of a long planning history associated with the construction of several wind energy developments. Many of those application sites include access tracks which convey this site. Land directly to the east, where the proposed cable route would pass through, is also subject of a long planning history associated with both the former Colliery use and its recent redevelopment. However, those applications are not considered germane to the development proposed and only the planning history considered relevant to this application is set out below:

23/0429/36 – Environmental Impact Assessment Screening Opinion for proposed ground based solar farm.

Decision: Environmental Impact Assessment not required, 22/05/23

## **PUBLICITY**

222 of the closest neighbouring properties were individually notified of the application by letter. 10 notices were placed on and within the vicinity of the application site and a notice was placed in the local press (Western Mail). No representations have been received.

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions.

Public Health and Protection – No objection subject to conditions.

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

Flood Risk Management – No objection or conditions suggested.

Public Rights of Way Officer – No objection subject to condition.

Natural Resources Wales – No objection subject to conditions.

The Coal Authority – No objection subject to condition.

Dwr Cymru Welsh Water – No objection subject to condition.

National Grid – No objection or conditions suggested. Standard advice offered in respect of grid connections.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of access for firefighting equipment and grass fires.

No other consultation responses have been received within the course of the application.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan (LDP)**

The current LDP's lifespan was 2011 to 2021. 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 entire site, save for the section of cable route that would be within the curtilage of the hospital, is located outside of settlement limits.

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

Policy CS10 – seeks to protect mineral resources in the County Borough.

Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable



transport modes, have good access to key services and facilities, 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 (CIL).

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

Policy AW6 – requires development to involve a high-quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – identifies that proposals which affect PRowS will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

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

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

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

Policy AW 14 – safeguards minerals from development that would sterilise them or hinder their extraction.

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.

Policy SSA24 – identifies several sites within the Southern Strategy Area that are subject of proposed land reclamation schemes due to previous industrial use.

## **Supplementary Planning Guidance**

- Design and Placemaking
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking

## **National Guidance**

*In the determination of planning applications regard should also be given to the requirements of national planning policy which is 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 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, although it should form the basis of all decisions.

It is considered 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
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 33 – National Growth Areas – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 6: Planning for Sustainable Rural Communities
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 23: Economic Development
- WG Practice Guidance – Planning Implications of Renewable and Low Carbon Energy (February 2011)
- WG 'Dear CPO' letter MA-P/CS/1303/16 re: Green Growth (15<sup>th</sup> March 2016)

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

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

The application seeks full planning permission for the development of a ground based solar farm for a period of 40 years, after which the facility would be decommissioned and all equipment removed from site.

PPW11 states that the planning system should facilitate delivery of renewable energy proposals. Since the withdrawal of TAN 8, FW2040 has set out the context and specific policies for renewable energy development. Policy 17 of FW2040 is particularly

relevant and contains guidance relating to renewable and low carbon energy development. The Policy gives a clear direction to decision makers that significant weight must be attributed to Welsh Government's (WG) target to meet 70% of electricity demand by renewable means by 2030.

In terms of the LDP, Policy AW12 supports renewable energy projects, providing there is no unacceptable impact to the environment, ecology, landscape, public health or residential amenity.

Furthermore, although the location of the solar farm would not be in accordance with some aspects of Policy AW2, in that a site in the open countryside is unlikely to qualify as a sustainable location, this type of development would normally be expected to be found in the countryside or on the settlement fringe. Therefore, the Policy is of less material relevance in this instance and little weight would be attributed to it.

Finally, the provision of a solar farm in this location will result in a considerable contribution to the Local Authority's commitment to becoming 'net zero' in terms of its carbon footprint by 2050; and it will greatly assist in powering the nearby Royal Glamorgan Hospital to the benefit of all RCT residents, all the while delivering clean, renewable energy and environmental benefits.

The development is therefore considered acceptable, in principle, subject to compliance with the other relevant material planning considerations set out below.

### **Character and Appearance**

The main site comprises several fields towards the mid/upper sections of the mountainside in this location, each of which are currently greenfield in character and appearance. Any development will therefore inevitably result in a material change to the character and appearance of the site and the wider landscape which is a designated SLA.

With the above in mind, while the site is located at the opposite side of the Valley and some distance from the nearest settlements of Coedely and Thomastown, the development will be visible from these locations due to the site's elevated nature. However, the site sits directly above (west of) the newly developed Parc Coed Elai Business Park and directly below (east of) the existing Mynydd Portfref wind farm at the mountain top which together, would frame the proposed development. Therefore, while the panels would have some visibility from the north and east, particularly from across the Valley, it is not considered they would be overly prominent in the landscape or would have an unacceptable prominence, especially when compared with the neighbouring wind farm development.

It is also noted that the boundaries of the site comprise mature trees and tall hedgerows which combined with local topography will help screen the development from some views and reduce some general visual impact. Further, the site is located

in a 'Pre-Assessed Area' for wind energy generation within FW2040 which demonstrates that WG generally consider the landscape here is suitable for large scale energy generation schemes.

It is therefore considered that the general construction of a solar farm in this location would not be overly harmful to the character and appearance of the site or the setting of the SLA, subject to conditions in respect of the future decommissioning and remediation of the site.

### **Neighbour Amenity**

There are 3 residential dwellings in close proximity of the site, Tyn-y-Coed Farm and 1 and 2 Tynycoed Villas directly to the north. A further isolated dwelling is also located on this side of the Valley, Graig Fatho Farm approximately 500m to the south. The nearest properties within the main settlements of Coedely and Thomastown are located at the opposite side of the Valley over 500m away.

Given the panels would be static and post-construction traffic would be infrequent, there would be an absence of noise generation at the site. Similarly, the relatively low height and shallow angle of the panels, taking note of the screening provided by vegetation and intervening topography, means that any glint/glare would be minimal and any potential harmful impact to the outlook from the aforementioned dwellings would be limited. It is therefore considered the proposed development would not result in any undue harm to the amenities of the nearest neighbouring residents.

Furthermore, it is not envisaged a scheme/use of this nature would negatively impact upon the amenities or operation of the neighbouring industrial uses within the adjacent employment site.

### **Ecology**

Given the greenfield nature of the site and its close proximity to the nearby SINC's several supporting reports/surveys have been submitted with the application in respect of ecology and biodiversity impacts.

Following consideration of the information Natural Resources Wales (NRW) commented that while they have some concerns with the proposal, the information submitted is generally sufficient to demonstrate that the proposed development would not result in a detrimental impact to protected species, nesting birds or water pollution. This is however subject to the mitigation and enhancement measures set out in the ecology reports being implemented on site. Conditions to these effects are suggested and are set out below.

It was also commented that as the site is located over 1km from the Rhos Tonyrefail Site of Special Scientific Interest (SSSI) the proposed development is not likely to have any impact upon it.

The Council's Ecologist commented that a considerable amount of survey assessment and informed design iteration has advised this application. The site lies within a local context of high biodiversity value and key habitat and priority species have been recorded, but in the main any potential impacts to key biodiversity features have been avoided by the proposed site layout.

A residual ecological impact is however associated with the location of the solar panels within areas of semi-improved, colliery spoil, neutral grassland habitat used by ground nesting birds. However, in reviewing and assessing the impacts of the scheme against the available ecological mitigation, it is considered that providing the long-term mitigation set out in the Biodiversity Management Plan (BMP) can be effectively achieved, and that the ecologically sensitive solar panel array details as identified in the Ecological Assessment (EA) are implemented, then together with post construction monitoring any potential impacts can be appropriately and effectively mitigated. Also, through the provision of the BMP, and several additional smaller scale measures identified in the EA, there is actually capacity for the development to evidence some ecological enhancement at the site.

Finally, the Ecologist also advised that the private wire connection route would affect areas of grass verge, that in some areas have floristic value and that within Parc Coed Elai are included for consideration within an estate wide biodiversity management plan controlled by the S106 agreement attached to that development. Therefore, while the ecological impacts of the cable route would be limited, it is considered clarification should be provided setting out the detail of the excavation required and restoration proposals to ensure there would be no impact in this respect. A condition to this effect is set out below.

Taking the above comments in to account, it is considered the scheme is acceptable in biodiversity terms but that appropriate conditions would be necessary to ensure all ecological mitigation and enhancement measures identified in supporting information are implemented on site, and that they remain in place for the lifetime of the development (as set out below).

### **Highway Safety**

The Highways and Transportation section have no objection to the proposal subject to several relevant conditions being attached to any consent. In coming to this conclusion it was commented that given site access is via an industrial estate served by a classified principal route and the industrial estate is largely unoccupied, construction traffic would have no significant impact. Further, once developed, the proposal would result in insignificant traffic movements.

Parc Coed Elai is subject of a highway agreement under S38 of the Highways Act 1980 between WG and RCT to secure adoption upon satisfactory completion and sufficient occupation of the industrial estate to warrant maintenance at public expense.

As Parc Coed Elai has not yet been adopted it is a private road in the ownership of WG and is gated to restrict public access. As such, any access over the road and industrial estate land would require appropriate permissions from WG. There is some concern that the proposed off site cable route would be located within the unadopted estate road and that installation of the service could result in patches and trench reinstatement of the road surface that could prejudice adoption, but it is considered appropriate mitigation can be provided and that this can be adequately controlled by condition.

The submitted information also indicates that the off-site cable route would be accommodated as part of the current improvements to the A4119 and would be subject of existing legislation and controls under the New Roads and Street Works Act 1991, which is acceptable.

There is some concern that the track from the industrial estate to the development area joins the carriageway at an acute angle, however, given the limited use for inspection and maintenance following construction it is considered acceptable in this instance.

In light of the above no highway objections are raised subject to the conditions set out below being attached to any consent.

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

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary Sustainable Drainage Systems (SuDS) application prior to any development works commencing on site.

NRW noted that a section of the cable between the solar farm and the Hospital would be located within a C2 flood zone, but as the cable would be sited underground and the entire development would be classed as 'less vulnerable development' in flooding terms, they have no concerns in this respect.

Dwr Cymru Welsh Water have no objection to the scheme but request a condition be attached to any consent restricting surface water from the development entering the public sewerage system.

### **Public Health**

Public Health and Protection have advised that the site has the potential to be contaminated by previous land uses and therefore request conditions be attached to any consent requiring site investigations be undertaken prior to any development works commencing. Given the historic industrial use at the site these conditions are considered necessary.

Several further conditions were also recommended in respect of construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Historic Mining Activities**

The Coal Authority (CA) confirmed that the application site falls within a defined Development High Risk Area and there are consequently historic coal mining features and hazards within the site which need to be considered in relation to the determination of this application.

It was advised that there are 2 mine entries within the site and a further mine entry close to the site boundary. There are also coal outcrops recorded to be present within the site which may have been subject to workings at shallow depth and may pose a potential risk to surface stability and public safety.

Notwithstanding the above, the CA also noted that the layout of the development has been designed to avoid placing the solar panels over, or close to, the recorded mine entries which is an approach they would support, but that areas where some of the supporting buildings would be sited may need further investigation, as set out in the supporting information submitted by the applicant. Therefore, while no objections are raised it is suggested appropriate ground investigations are undertaken prior to any development commencing, which can be controlled by condition.

### **Public Rights of Way**

As set above, the application site is crossed by 2 PRowS. None are to be permanently stopped up or diverted as a result of the scheme but no information has been submitted in respect of how the developer would ensure they are maintained during and following development. As a precaution the PRow Officer has therefore requested a condition be attached to any consent requiring this information before any development works commence on site.

### **Other Issues**

While the site is located in a Sandstone Resource Area, which Policy AW14 seeks to safeguard from any development that would unnecessarily sterilise it or hinder its extraction, any mineral extraction has already been sterilised at the site by the previous surrounding developments and the established, adjacent employment use. As such there is no objection in this respect.

### **Community Infrastructure Levy Liability**

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**

The principle of the proposed solar farm would be in accordance with both local and national planning policy for renewable energy developments.

The provision of a solar farm in this location will result in a considerable contribution to the Local Authority's commitment to becoming 'net zero' in terms of its carbon footprint by 2050; and will greatly assist in powering an existing hospital to the benefit of all residents. Further, the delivery of clean, renewable energy provides clear environmental benefits.

Having taken account of all issues identified above, while it is accepted the proposed development will inevitably result in a degree of impact to the character and appearance of the area, subject to appropriate conditions/mitigation, it is not considered any potential impact would be significant enough to warrant refusal of the application.

Furthermore, it is not considered there would any undue impact to the amenity levels currently enjoyed by the closest neighbouring residents, and the impact of the scheme upon ecology and land drainage can be properly mitigated.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions detailed below.

**RECOMMENDATION:** Approve, subject to conditions below.

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - Site Location Plan (A) – 27541-HYD-XX-XX-DR-Y-0001-A Rev. P08
  - Site Location Plan (B) – 27541-HYD-XX-XX-DR-Y-0001-B Rev. P08
  - Site Location Plan (C) – 27541-HYD-XX-XX-DR-Y-0001-C Rev. P08
  - Solar Block Plan – 27541-HYD-XX-XX-DR-Y-002 Rev. P10



- Solar Array Structure Detail – 27541-HYD-XX-XX-DR-Y-0003 Rev. P03
- Fence, Gate, & Proposed CCTV Detail – 27541-HYD-XX-XX-DR-Y-0004 Rev. P04
- Customer Substation Detail – 27541-HYD-XX-XX-DR-Y-0005 Rev. P03
- DNO Solar Substation Detail – 27541-HYD-XX-XX-DR-Y-0006 Rev. P02
- Solar Substation Detail – 27541-HYD-XX-XX-DR-Y-0007 Rev. P04
- Solar Block Plan (with topography background) – 27541-HYD-XX-XX-DR-Y-0009 Rev. P10
- Solar Block Plan (with Google Earth Background) – 27541-HYD-XX-XX-DR-Y-0010 Rev. P10
- Privet Wire Substation Detail – 27541-HYD-XX-XX-DR-Y-0011 Rev. P03
- Hospital Substation Detail – 27541-HYD-XX-XX-DR-Y-0012 Rev. P03
- Temporary Site Set Down and Proposed Swept Path Analysis – 27541-HYD-XX-XX-DR-Y-0013 Rev. P13
- Electrical Services Private Wire Cable Route Sheet 1 of 4 – 27541-HYD-XX-XX-DR-Y-0013a Rev. P05
- Electrical Services Private Wire Cable Route Sheet 2 of 4 – 27541-HYD-XX-XX-DR-Y-0013b Rev. P05
- Electrical Services Private Wire Cable Route Sheet 3 of 4 – 27541-HYD-XX-XX-DR-Y-0013c Rev. P05
- Electrical Services Private Wire Cable Route Sheet 4 of 4 – 27541-HYD-XX-XX-DR-Y-0013d Rev. P05
- Spare Cabin Detail – 27541-HYD-XX-XX-DR-Y-0014 Rev. P02
- Hospital Substation Location – 27541-HYD-XX-XX-DR-Y-0015 Rev. P01
- Electrical Services Proposed Solar Farm CCTV Layout – 27541-HYD-XX-XX-DR-Y-0016 Rev. P04
- Proposed Access Tracks – 27541-HYD-XX-XX-DR-C-2000 Rev. P02
- SUDS Concept Plan – Sheet 1 – 27541-HYD-XX-XX-DR-C-4000 Rev. P01
- SUDS Concept Plan – Sheet 2 – 27541-HYD-XX-XX-DR-C-4001 Rev. P01
- SUDS Details – 27541-HYD-XX-XX-DR-C-5000 Rev. P01
- Proposed Access Details – 27541-HYD-XX-XX-DR-C-5100 Rev. P01

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 permission hereby granted shall endure for a period of 40 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within 1 month of the First Export Date.

Reason: In the interest of visual amenity, in accordance with Policies AW5, AW6, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the first beneficial use of the development hereby approved, a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original agricultural condition, including, but not limited to:
  - i. The method for the removal of all solar panels, structures, enclosures and equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling.
  - ii. Details of how the site is to be restored to its original condition and any financial arrangement for this.

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

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

5. Within 40 years and 6 months following completion of construction of the development, or within 6 months of the cessation of electricity generation by the solar photovoltaic facility, or within 6 months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, fencing, access tracks and all associated structures and foundations, hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than 5 working days following cessation of power production.

The site shall subsequently be restored (in accordance with the scheme approved under condition 4) no later than 6 months following the cessation of power production or within 40 years and 6 months of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure that any derelict or obsolete features do not adversely affect the environment, in accordance

with Policies AW5, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

6. All electricity and control cables within the site shall be laid underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the site and minimise any environmental impacts in accordance with Policies, AW5, AW6, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

7. The development hereby approved shall be carried out in accordance with the methods, recommendations and biodiversity/ecology mitigation and enhancement measures set out in the submitted:

- Ecological Assessment (David Clements Ecology Ltd, V1, 29/05/23)
- Wildlife Protection Plan for the Clearance and Construction Stages (David Cements Ecology Ltd, V1, 29/05/23)

The biodiversity/ecology mitigation and enhancement measures implemented on site shall be maintained/retained in accordance with the approved details for the lifetime of the development.

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

8. No development shall commence on site, including any site clearance or general enabling works, until a method statement setting out the details of excavation and restoration of any grass verge areas affected by the private wire connection route has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

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

9. No development shall commence on site, including any site clearance or general enabling works, 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, but not be limited to:

- i. Construction methods: details of materials, how waste generated will be managed.
- ii. 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.
- iii. Soil Management: details of topsoil strip, storage, and amelioration for re-use.
  - iv. 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.
  - v. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
  - vi. 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.
  - vii. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
  - viii. 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 works commencing on site and are implemented for the protection of species and the environment during construction; to protect the water environment and minimise environmental impact in the vicinity of the application site; and in the interests of biodiversity, in accordance with Policies AW5, AW6, AW8, AW10 and AW13 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence on site, other than site clearance and general enabling works, until design, construction and reinstatement details of the route of the proposed private wire electrical connection along the industrial estate road (Coed Parc Elai) have been submitted to and approved in writing by the Local Planning Authority. The private wire electrical connection shall implemented in accordance with the approved details prior to beneficial use.

Reason: To ensure the proposed works do not prejudice future adoption of the road under the terms of the prevailing legal agreement between the landowner and the Highway Authority and in the future interests of highway safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence on site, including any site clearance or general enabling works, until a report indicating the methodology for undertaking a survey of the condition of the access roads between the Coed

Ely Roundabout (A4119) and 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:

- i. Details of the roads to be surveyed.
- ii. The timescales for undertaking the surveys.
- iii. The method(s) of reporting the findings to the Local Planning Authority (including the use of comprehensive photographs).
- iv. Any potential compensation arrangements.

A condition survey shall then be undertaken in accordance with the approved methodology and the results submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

The development shall not be brought into beneficial use until the final survey on completion of the development has been undertaken and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

12. The development shall be constructed in accordance with the submitted Construction Traffic Management Plan (Hydrock, P05, 09/08/23) at all times, unless otherwise approved 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.

13. No development, other than site clearance and general enabling works, shall commence on site until:
  - i. A detailed assessment and/or intrusive site investigations have been carried out on site to establish the risks posed to the development by past coal mining activity relative to the sensitive structures (transformers/substations) required to facilitate the approved development.
  - ii. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

16. The development hereby approved shall not be brought into beneficial use until the measures approved in the scheme referred to in condition 15 have

been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

17. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks to health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. No development shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority which demonstrates how the Public Rights of Way that cross the site will remain open, accessible and unobstructed during construction together with a schedule of the measures which will be employed to protect the Public Rights of Way during construction. The development shall be carried out in accordance with the approved method statement.

Reason: To protect the integrity of the Public Rights of Way and ensure they are accessible to the public both during and following development, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

19. No surface water and/or land drainage shall be connected directly or indirectly with the public sewerage network.

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

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## PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0007/10 (JE)  
**APPLICANT:** Mr P Edmunds  
**DEVELOPMENT:** Repair and rebuild of farmhouse. (Coal Mining Risk Assessment and Structural Report received 20/09/23)  
**LOCATION:** GARTH HALL FARM, ROAD TO GARTH HALL FARM, COED-ELY, TONYREFAIL, PORTH, CF39 8HJ  
**DATE REGISTERED:** 03/08/2023  
**ELECTORAL DIVISION:** Tonyrefail East

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#### RECOMMENDATION: REFUSE DUE TO THE FOLLOWING

**REASONS:** By virtue of its location the proposal represents unjustified residential development outside of settlement limits and is unacceptable in principle. In addition, in the absence of adequate pedestrian connectivity that relates to adjacent residential development, the proposed development would be contrary to national advice and policy on transport in terms of sustainable development that would encourage the greater use of private car. Furthermore, in the absence of Ecological Reports, insufficient information has been submitted to demonstrate that the risks and consequences associated with impacts upon ecology at the site can be adequately managed.

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#### REASON APPLICATION REPORTED TO COMMITTEE

1. The proposal is not covered by determination powers delegated to the Service Director Prosperity and Development.

#### APPLICATION DETAILS

Full planning permission is sought for the repair and rebuild of a farmhouse at Garth Hall Farm, Coedely, Tonyrefail.

The proposal would see full repair and reconstruction of the existing structure on site which currently only consists of the external walls of the farmhouse, the rest was lost to fire damage in 2004. The proposal would also see the construction of a two storey side extension to the western side of the property and the reconfiguring of the existing

fenestration through the creation of new openings and modifying and removal of existing openings.

The proposal would provide living accommodation over two floors with the following layout proposed:

#### Ground Floor

- Entrance hallway
- Wash down room
- Store
- Utility room
- 2no. W.C.
- Snug
- Gym
- Larder
- Kitchen/living/dining area

#### First Floor

- 4no. Bedrooms
- 1no. Bathroom
- Farm office

The application is supported by:

- Coal Mining Risk Assessment
- Structural Report

### **SITE APPRAISAL**

The application site relates to an area of land which forms part of the larger holding known as Garth Hall Farm. The site historically accommodated a detached farmhouse which was lost to fire in 2004. At the time of the Office's site visit the external walls and a small area of roof are the only remaining features of the dwelling with the structure and surrounding area reclaimed by nature and covered in vegetation. Access to the site is gained from a single width lane with an existing access point to the west of the dwelling which is also used to access the adjacent land. The site occupies an elevated valley side position and is bounded by farmland to the south, east and west and the access lane to the north.

The surrounding area consists of open hillside and farmland. There are several structures including a barn and a container to the east of the site which are located within the wider holding of farm. The closest neighbouring property is 'The Chestnuts' which is located 67 metres to the north.

### **PLANNING HISTORY**

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

**21/1490/09:** GARTH HALL FARM, ROAD TO GARTH HALL FARM, COEDEL, TONYREFAIL, CF39 8HJ.

Certificate of lawful development for existing use/operation or activity. To refurbish the fire damaged farmhouse.

Decision: 22/12/2021, Refused.

## **PUBLICITY**

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

58no. letters of support have been received from both local residents and members of the public further afield following consultation. The comments raised have been summarised below:

- Farm has been within family ownership for generations and was occupied prior to the fire in 2004.
- Living accommodation on site would provide accommodation, facilities for visitors and would enhance and develop the applicant's business at the site.
- Would assist in providing high quality of care to farm animals as the applicant would be on site 24/7 to provide care and management that would improve the health and wellbeing of the alpacas and sheep.
- Farm currently provides educational opportunities to visitors of the applicant's alpaca business.
- Support operation and future expansion of business that serves the local community and beyond.
- Proposal would only see the reinstatement of a previous dwelling.
- The farm provides a truly unique experience found nowhere else in RCT.
- Existing Alpaca business contributes to the local economy through attracting visitors to the area.
- Access to the farm is challenging in winter which creates difficulties in feeding animals which would be addressed by living on the farm.
- Additional people in the area might also help prevent fly tipping which occurs locally and improve security.
- Garth Hall Farm helps those with additional needs, providing a one on one tailored package. There have been many people with learning difficulties which the applicant is more than capable of dealing with, being a retired special needs teacher.
- Other properties within the County Borough have been granted permission to rebuilt following fire damage.
- Living on site will enable the applicant and her children the opportunity to offer more flexible appointment times and support to those who choose to walk with the alpacas.

- There is plenty of parking on site for the builders and for farm vehicles. I cannot foresee the building causing any adverse impact on the area as a whole.
- The applicant's business contributes further into the community as she encourages and supports veterinary/agricultural students to gain experience, particularly hands on experience.
- Many of the volunteers on the farm struggle with mental health issues, the tranquil setting and regular contact with animals provide a sanctuary for them, this would deepen with the addition of a home.
- Restoring the house will mean that a derelict building becomes safe and useful.

## **CONSULTATION**

**Transportation Section:** Objection Raised.

**Countryside (Ecology):** Objection raised due to lack of information to fully consider the impact of the development upon biodiversity and protected species.

**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**

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 outside of the settlement boundary for Coedely and is located within a Sandstone Safeguarding Area and the Mynydd Y Glyn & Nant Muchudd Basin Special Landscape Area.

**Policy CS2 – Development in the South** – sets out the strategy for the Southern Strategy Area (SSA).

**Policy AW2**– The policy stipulates that development proposals will only be permitted in sustainable locations, these include sites that are well related to existing water, sewerage, waste, electrical, gas and telecommunications infrastructure; and where proposals relate to existing buildings in the countryside, accord with Policy AW9.

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

**Policy AW5** – The policy is concerned with the amenity and accessibility criteria of new development. The policy states that development proposals will only be supported where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area; where appropriate existing site features of built and natural environment value would be retained; and the development would have safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion.

**Policy AW6** – The policy relates to design and placemaking and outlines that proposals will be acceptable where they are of a high standard of design, which reinforces attractive qualities and local distinctiveness; they are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing; the design protects and enhances the landscape and biodiversity; and the design promotes good water management, including rain water storage, sustainable urban drainage, porous paving etc.

**Policy AW8** – The policy states that Rhondda Cynon Taf's distinctive natural heritage and environment will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW9** – The policy states that in the case of alteration, renovation or conversion of existing buildings outside the defined settlement boundaries for residential, employment, community or tourism uses, development proposals will be supported where the existing building is structurally sound or capable of being made so without substantial major external alteration or reconstruction.

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

**Policy AW14** - The policy details that the site is located within a Sandstone Resources Region. In order to protect such resources, the policy states that they shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction.

**Policy SSA13** - Permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

**Policy SSA23.6** - The policy details that the site is located within the Mynydd y Glyn & Nant Muchudd Basin Special Landscape Area (SSA23.6). In order to protect the visual qualities of each SLA, development proposals within these areas will be required to conform to the highest possible design standards. In the SSA, SLAs have been identified to protect the distinctive upland/valley landscape of the area. Particular consideration has been given to the protection of the unspoilt valley slopes and ridges which form a visual backdrop to the settlements of the area.

#### Supplementary Planning Guidance

- Design and Placemaking;
- Nature Conservation;
- Access, Circulation and Parking Requirements.

#### National Guidance

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

Planning Policy Wales (Edition 11) (PPW) 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 not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW or FW2040; or the Well-being of Future Generations (Wales) Act's sustainable development.

Other national policy guidance considered:

PPW Technical Advice Note 6 - Planning for Sustainable Rural Communities  
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 development site is located outside of the defined settlement boundary where residential development is strictly controlled in the Local Development Plan.

It is noted there is a derelict, former dwelling on the site which the applicant has advised was subject to arson in 2004 and has not repaired/rebuilt since. In the following period the building has remained unoccupied and it is considered that in its current state is uninhabitable and would therefore be considered abandoned. This view is also supported by the recent application for a Lawful Development Certificate which was refused on the basis that the property is deemed to have been abandoned and the use as a dwelling no longer being lawful due to the period of non-use.

It is noted that Policy AW9 allows for conversions of buildings in the countryside to residential use, subject to certain criteria. However, this policy relates to buildings that are not currently or were not previously used for residential purposes, i.e. barn / garage conversions, etc. As such Policy AW9 does not apply to this proposal. It is also noted that if Policy AW9 were to apply then the criteria for acceptable conversions requires the building to be structurally sound or capable of conversion without the need for significant works or alteration. In this case, due to the significant renovation / rebuilding works required, the proposal would fail the requirements of the Policy. This view is supported by the Council's Structural Engineer who commented that significant works would be required to bring the structure back into use as a residential property and although it is possible to carry out the works whilst maintaining the overall existing structure, due to the number of new openings, it would be impractical, especially to the south and east elevations.

Members are also advised that this application does not seek consent for an agricultural worker's dwelling which can be approved in countryside locations, subject to relevant justification. It has been submitted as a new standalone residential dwelling in the countryside. The applicant has been advised that an agricultural workers dwelling could potentially be considered acceptable in this location, subject to full justification in accordance with the required tests set out within Planning Policy Wales Technical Advice Note 6: Planning for Sustainable Rural Communities, but the applicant has advised that they wish for the application to proceed in its current form.

Taking the above into account, the proposal would result in a new residential dwelling located within open countryside, outside of the defined settlement boundary and in an unsustainable location, contrary to Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan.

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

Whilst there is concern with regard to the proposed fenestration layout which is considered to take away from the traditional farmhouse aesthetic of the building, 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.

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 proposals will not detract from the character or appearance of the area and the application would be compliant with the relevant requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in visual terms.

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

When considering the relationship with the closest neighbouring properties which are separated by 67 metres to the north, 190 metres to the south and 231 metres to the northeast and the nature of the works proposed, it is not considered the proposal would result in any adverse impact in amenity terms.

## **Highway safety**

The Council's Transportation Section were notified during the consultation period in order to assess the impact of the proposal with regard to highway safety. The following comments were received:

There is concern with regards the sub-standard access leading to the proposed, however, taking into account the limited additional movements generated by 1 dwelling, on balance, this issue would not warrant an objection.

The applicant proposes a 4-bedroom farmhouse which has a parking requirement of 3 spaces in accordance with SPG: Access, Circulation & Parking Requirements with none proposed which raises concern. However there is adequate space within the site to provide suitable off-street parking.

Furthermore, the proposed property is to be served off the existing sub-standard 2.7m wide unnamed road off Ely Valley Road, Coedely. The unnamed road is substandard in terms of width, horizontal and vertical alignment, provision of segregated pedestrian footway facilities, street lighting, adequate highway drainage, structural integrity and substandard vision splays and junction radii at its junction with Ely Valley Road.



Given the aims of local and national planning policies which seek to reduce reliance on the private car and increase walking, cycling and use of public transport, the site's separation from and distance to settlements would not encourage sustainable modes of travel to and from the site. Future occupants would therefore be heavily reliant on the private car for journeys to shops, school, work, medical services, and leisure facilities etc. As such, the proposed development is considered to be in an unsustainable location given that trips to and from the proposed development are likely to be undertaken via a private motor vehicle, contrary to local and national planning policy.

## **Ecology**

Following consultation, the Council's Ecologist has set out that given the proposed works and the current condition of the structure a bat and barn owl survey is required to support the application. In addition, the development would likely involve clearance works of the area surrounding the structure which would also need to be considered within an appropriate ecological assessment that also demonstrates effective biodiversity mitigation and enhancement. In the absence of the above ecological reports insufficient information has been provided to demonstrate that the impacts upon biodiversity and protected species can be managed effectively. As such, the application is contrary to Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

## **Historic Coal Mining**

Following the submission of a Coal Mining Risk Assessment, the Coal Authority considered that the submitted information is sufficient in demonstrating that the application site is safe and stable for the proposed development. As such, the application is considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan and is acceptable in this regard.

## **Drainage**

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 to surface water drainage from the proposed development. Nevertheless, as this development would require separate SAB approval it is not considered that such a condition would be reasonable or necessary.

## **Public Health**

The Public Health and Protection Division suggest a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered

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

### **Issues raised by the supporters**

The points raised within the letters of support with regard the need for the proposal to serve the existing agricultural business, the benefits of living on site and future expansion business are acknowledged. However, as set out above this application seeks permission for a new standalone residential dwelling at the site of an abandoned property where the residential use has ceased. As such, without full justification in the form an agricultural appraisal to support the application to evidence these claims it is not considered that these matters provide sufficient weight to overcome the location of the site outside of the settlement boundary.

### **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 £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £27595.50.

### **Conclusion**

The application site is located outside of the defined, fixed, settlement boundary of Coedely within an unsustainable location which lacks adequate pedestrian connectivity to surrounding development. In addition, Insufficient information has been submitted to adequately determine that the impacts associated with ecology can be appropriately managed. Consequently, the proposed development fails to comply with key sustainable development objectives of Policies CS2, AW1, AW2, AW5 and AW8 and SSA13 of the Rhondda Cynon Taff LDP.

### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING REASONS:**

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.

2. In the absence of appropriate supporting ecological information, insufficient information has been submitted to demonstrate that the risks and consequences associated with impact upon ecology at the application site can be adequately managed. As such, the proposal conflicts with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.
  
3. In the absence of adequate pedestrian connectivity that relates to adjacent residential development, the proposed development would be contrary to national advice and policy on transport in terms of sustainable development that would encourage the greater use of private car. As such, the proposal conflicts with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0933/10 (GH)  
**APPLICANT:** Mr Price & Family  
**DEVELOPMENT:** Creation of three Traveller pitches to include one static caravan, touring caravan and day/utility room per pitch, hard standing area, perimeter timber fence and installation of a package treatment plant  
**LOCATION:** TWELVE OAKS STABLE, LLANHARRY ROAD, LLANHARRY, CF72 9LY  
**DATE REGISTERED:** 18/08/2023  
**ELECTORAL DIVISION:** Llanharry

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**RECOMMENDATION:** REFUSE FOR THE FOLLOWING REASON:

**REASONS:** By virtue of its location within land designated as Green Wedge, the proposal would constitute inappropriate development and be harmful to its open nature.

The Local Planning Authority has balanced this harm against other material considerations that would weigh strongly in favour of the proposal, including the availability of alternative sites, the personal circumstances of the Applicant, and legislation pertaining to equality, human rights and the best interests of the child.

However, it is considered, on balance, that these material considerations do not represent the very exceptional circumstances which would be sufficient to justify harm to the Green Wedge.

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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, partly in retrospect, is sought for the creation of three Traveller pitches on land at Twelve Oaks Stable, Llanharry

The pitches would be arranged around the perimeter of the site, with each containing a single-storey day room, static caravan and touring caravan.

The day room proposed for plot 1 would be slightly larger than that for plots 2 and 3, with a gross floor area (GFA) of 74.32m<sup>2</sup>. It would have rendered elevations enclosed by a twin-pitch roof covered with slate-type tiles.

Conversely, the day rooms for plots 2 and 3 would be of an identical scale, with each having a GFA of 55.74m<sup>2</sup>. That for plot 2 would have rendered elevations and that for plot 3 would be finished with face brickwork.

Surface water would be collected from each permanent day room and be directed towards a soakaway. Foul water is proposed to be disposed of by a package treatment plant, details of which have been submitted with the application.

The site layout plan indicates that existing hedgerows along the northern boundary of the site would be retained i.e., towards the site entrance and Llanharry Road, whilst the western and southern boundaries would be subject to a planting scheme.

Further details are included for the installation of bird and bat boxes on site, together with dormouse nesting boxes. Sensitive downlighters would be installed to each day room.

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

- External Lighting Details
- Preliminary Ecological Assessment
- Dormouse Survey
- Bat Transect Survey
- Planning Statement, including personal statement

## **SITE APPRAISAL**

The application property is a part of a field located within open countryside to the north of Llanharry. In addition to being outside of defined settlement limits it is within an area designated as Green Wedge. The land within the red line of the site location plan comprises a surface area of approximately 0.187 hectares.

Access to the site is via an existing field track which leads from a junction with Llanharry Road to the north. The track also provides access to an existing private Gypsy and Traveller site to the east, known as Broad Oaks Stables, and to other land to the south.

The application site has been laid with gravel and partly laid out. A close boarded timber fence has been erected around the perimeter of the site to a height of around 1.5m.

With the exception of the aforementioned neighbouring stables and a long established scrapyard a little further to the east, the site is surrounded by open countryside. The closest other residential properties are located at Bryn Celyn around 326m to the south.

## **PLANNING HISTORY**

There are no recent or relevant applications on record for this site.

## **PUBLICITY**

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

Furthermore, in accordance with the Development Management Procedure (Wales) Order 2012 the relevant press notice was published on 20th August 2020 identifying that the application represented a departure from the Local Development Plan.

Three letters of objection or representation have been received raising the following matters:

- The proposal is a greenfield site and is located within a Green Wedge, which is contrary to national planning policy.
- The applicant has failed to demonstrate that a site outside of the Green Wedge is not available to meet this need and so the application has not demonstrated very exceptional circumstances to be permitted within a Green Wedge.
- The proposal will result in the creation of traffic hazards which would be harmful to highway safety.
- There are already lots of vehicles back and forth.
- Dogs bark at all hours of the day.
- The site has been spoilt by the mess created on it.
- Other non-material planning issues.

## **CONSULTATION**

### Highways and Transportation

No highway objection is raised or condition suggested.

### Flood Risk Management

Since the total construction area of the development is over 100sqm, Schedule 3 of the Flood and Water Management Act 2010 would require the Applicant to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB), in addition to compliance with Part H of the building regulations.

It is noted that the site does not fall within an area of surface water flood risk, however a condition would be recommended to secure details of surface water drainage management and evidence showing that a soakaway would be a viable option by providing calculations / test results using BRE360 or similar.

#### Public Health and Protection

Conditions are recommended in respect of hours of operation, noise, dust and waste. In addition, it is noted that a search of records, relating to potentially contaminating past land uses, has shown that the site is within 250m of a landfill site.

The Public Health and Protection Division therefore considers that there is a potential for adverse ground gas conditions to exist on site and an application to build a new residential property means that a site investigation is recommended to be undertaken as a condition of any planning consent.

#### Llanharry Community Council

The application would be detrimental to the local amenity and local environment and further similar development will follow causing friction in the local community. New Gypsy and Traveller site development in the open countryside, that is away from existing settlements or outside areas allocated in the development plan, should be strictly limited.

Inappropriate development is harmful to the Green Wedge and should not be approved; Gypsy and Traveller sites (temporary or permanent) in the Green Wedge are deemed inappropriate development.

#### Dwr Cymru Welsh Water

Non-mains sewerage is proposed; therefore, the Applicant should seek advice from Natural Resources Wales and/or Building Control.

It is noted that capacity is currently available in the water supply system to accommodate this development.

#### National Grid

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



## Countryside Section – Ecologist

No objection, although a condition would be required to secure a net biodiversity benefit.

## The Coal Authority

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; on the basis that the area where the built development would be falls outside the defined Development High Risk Area it is considered that a Coal Mining Risk Assessment would not be necessary for this proposal and therefore there is no objection to this planning application.

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 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 outside the settlement boundary for Llanharry.

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

**Policy AW2** - stipulates that development proposals will only be permitted in sustainable locations, these include sites that: would not unacceptably conflict with surrounding uses; and are well related to existing water, waste, sewerage, electrical, gas and telecommunications infrastructure and improvements to such services will be provided where necessary.

**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** - concerns the amenity and accessibility criteria of new development proposals. The policy states that development proposals will only be supported where: the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area; the development would be compatible with other uses in the locality; the development would have safe access to the highway network and would not cause traffic congestion; and car parking would be provided in accordance with the Council's SPG on Delivering Design and Placemaking: Access, Circulation and Parking.

**Policy AW6** - relates to design and placemaking and outlines that proposals will be acceptable where: they are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing.

**Policy AW10** - stipulates that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity due to issues such as water, noise or light pollutions or other issues including land instability or contamination, unless it can be demonstrated that measures can be taken to overcome any significant adverse risk.

**Policy AW15** - proposals for the use of land for the stationing of caravans occupied by Gypsies, Travellers and Travelling Show People will be permitted where it can be demonstrated that the proposed development:

1. Cannot be accommodated on the site allocated by Policy SSA26.
2. Is reasonably related to local services.
3. Where possible, is located on previously developed land.
4. Includes sufficient space for parking and manoeuvring of all vehicles associated with the occupiers of the site curtilage.
5. Is provided with adequate on-site services for water supply; power; drainage; sewage disposal; and waste disposal facilities.
6. Does not adversely affect surface or ground water resources.

**Policy SSA13** - 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.

**Policy SSA22** - identifies locations designated as Green Wedge to prevent coalescence, protect vulnerable and undeveloped land, and urban form.

**Policy SSA23** - identifies that the site falls within a Special Landscape Area, where due to the landscape value of the site, development proposals are expected to demonstrate a higher standard of design and consideration of the wider site context.

**Policy SSA26** - land is allocated at Beddau Caravan Park for the provision of Gypsy and Traveller accommodation for the whole of the County Borough

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements

### **National Guidance**

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

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

For the reasons set out within the report it is considered that the proposed development is not sufficiently consistent with the key principles and requirements for placemaking set out in PPW or the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other national policy guidance considered:

- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 18: Transport
- Manual for Streets
- Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites (June 2018)
- Designing Gypsy and Traveller Sites Guidance, Welsh Government (May 2015)
- Enabling Gypsies, Roma and Travellers Plan, Welsh Government (June 2018)

### **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 and Policy Considerations:**

The proposal seeks consent for three Gypsy and Traveller pitches, each with static and touring caravans, and day rooms on a parcel of undesignated land. This land is outside the defined settlement boundary, part of a Special Landscape Area (SLA) designation and within an area of Green Wedge.

### *Status of the Applicant*

Information accompanying the application clearly identifies that the Applicant and his family meet the definition of Gypsies as set out within Section 108 of the Housing Wales Act 2014 and Welsh Government Circular 005/2018: 'Planning for Gypsy, Traveller and Showpeople Sites'.

### *Green Wedge*

LDP Policy SSA22 determines that the application site lies within a Green Wedge and PPW11 is clear that there is a general presumption against inappropriate development within Green Wedges.

Furthermore, Welsh Government Circular 005/2018 states that new Gypsy and Traveller sites in the Green Belt or Green Wedges are likely to be inappropriate development and alternatives should be explored before green wedge locations are considered.

National planning policy on Green Belts or Green Wedges applies equally to applications for planning permission for Gypsy and Traveller sites and other residential uses. Paragraph 3.75 of PPW11 notes that:

*The construction of new buildings in a Green Belt or Green Wedge is inappropriate development unless it is for the following purposes:*

- *justified rural enterprise needs;*
- *essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;*
- *limited extension, alteration or replacement of existing dwellings; or*
- *small scale diversification within farm complexes where this is run as part of the farm businesses.*

The development proposal does not fall into any of the above categories and since the site is entirely within the Green Wedge it cannot be argued that the open nature of the land would be protected. Consequently, there is no support for the proposed development in relevant policies of PPW or the development plan.

Although the dayroom, static and touring caravans would be of single storey height and therefore a low-rise type of development, the permanent structures, together with the access and parking requirements laid out within the large shingle yard and the comings and goings to what was previously a green open site, mark a significant change to the character of the site. This would harm the openness of the Green Wedge, contrary to Policy SSA22.

In response to specific concerns about the Green Wedge location which were raised with the Applicant's Agent during consideration of the application, the Agent provided three examples of appeals which were allowed for Gypsy and Traveller developments in neighbouring local authority areas. However, none of these examples appeared to relate to land designated as Green Wedge or Green Belt and thus are not considered to add weight to the Applicant's case.

Lastly, it is worth highlighting that Members may recall or be aware of a recent planning permission for three Gypsy and Traveller pitches at the neighbouring site known as Broad Oaks, which is also within the Green Wedge and for which Members supported a recommended for approval, ref: 20/0682/10.

However, the context of that application was somewhat different in that at least one third of that site was 'brownfield' and comprised an existing approved yard, site access and a large stable block owned by that Applicant. The northern boundary of that site also remains adjacent to that of a long-established scrapyards, so the considerations and decisions in respect of openness and erosion of the Green Wedge were taken in a different context.

### *Special Landscape Area*

Special Landscape Areas (SLA) were designated to protect areas of what are considered to be fine landscape quality within the County Borough. Unlike Green Wedge, the SLA designation does not preclude development, providing that proposals conform to the highest design standards possible and protect its visual qualities.

Indeed, Circular 005/2018 recognises that Gypsy and Traveller caravan sites can be located in the countryside, which means that there would be a likely change to the character and appearance of such areas.

At Twelve Oaks, the location of the development is within a topographically depressed area and set against the slopes of higher ground to the north and south. The visual impact of the proposal on the character of the immediate area around it would be considered to be acceptable since even in its rural location, there is a large hedge between the highway and the site and the additional hedge planting proposed would add further mitigation.

### *Housing Act and Gypsy and Traveller Accommodation Assessment*

The Housing (Wales) Act, 2014 places a legal duty on local authorities to properly assess the accommodation needs of Gypsies and Travellers and ensure that they are provided for.

The current RCTCBC Gypsy and Traveller Accommodation Assessment (GTAA) only covers the period 2015-2020 and therefore the assessment of 'need' is considered to be out-of-date. Whilst a replacement plan was prepared at least eighteen months ago, it is still awaiting approval from the Welsh Government.

With no up-to-date evidence at present its absence is considered to be a significant material consideration, even recognising that demand for sites can be very fluid and a new GTAA could effectively be out of date in a very short period. The Council's Housing Strategy Team has also advised that the planning application evidences an unmet need.

#### *Other Local and National Policy Considerations*

Circular 005/2018 – Planning for Gypsy, Traveller and Show People Sites (June 2018), supports Gypsies and Travellers finding and purchasing their own sites for development. It states that an increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers that are most in need of public provision.

Approving planning permission for private Gypsy and Traveller Sites, in appropriate locations, also contributes to the Well-being of Future Generation (Wales) Act's goals of *A more equal Wales* and *A Wales of cohesive communities*, as well as contributing to the 'due regard' duty placed upon Local Authorities by The Equalities Act 2010.

LDP Policy AW15, which considers proposals for the use of land for the stationing of caravans occupied by Gypsies, Travellers and Showpeople sets out a number of qualifying criteria, the first of which is that new sites will be permitted where they cannot be accommodated by allocation SSA26 (Beddau Caravan Park). The allocated site is currently full.

In relation to the other criteria of Policy AW15, the proposal appears to be compliant since it is in reasonably close proximity to a number of local facilities within the settlement of Llanharry, including a Post Office, places of worship, and a primary and secondary school. Furthermore, the site can be provided with adequate on site services for water, power and waste disposal.

However, although the Applicant has described the site as previously developed land, it was not part of the former landfill site and in any event PPW excludes from the definition of previously developed 'brownfield' land that where the remains of any structure or activity have blended into the landscape over time, which is the case here.

Nevertheless, Paragraph 39 of the Circular 005/2018 states that sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries.

In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. This means that the requirements of Policy AW2, which seek to direct development towards 'sustainable locations', are of less material relevance.

### *Summary*

National planning policy is generally very supportive of applications for Gypsy and Traveller sites, including those within open countryside where residential development would otherwise be resisted; however, the Circular clearly states that they are typically considered to be inappropriate development, when located within a Green Wedge.

Although the Council's allocated site at Beddau is full and there is an unmet need for the development, it is considered that the Applicant has not sufficiently evidenced the absence of options to provide a private site on land that is not within Green Wedge.

Therefore, subject to the additional material issues considered further below, it is considered that the highlighted local and national policy matters relating to the Green Wedge do not weigh in favour of the development.

### **Other Issues:**

#### Impact on neighbouring occupiers

Save for the Gypsy and Traveller pitches at the adjacent Broad Oaks Stables site, the location of the proposed development away from the main residential area of Llanharry means that there would be little or no concern with regard to the amenity of other residents, such as harm to privacy or outlook.

Although the public consultation raised concern about barking dogs and other non-material matters, the noise from animals kept as pets is not germane to the consideration of this application.

In light of the above, no objections are raised in this regard.

#### Access and highway safety

##### *Access Leading to the Site*

The only means of access to and from the site is along the unnamed country lane that serves Trecastell Farm from either Llanharry Road to the west or the unnamed road that serves Pontyclun to the east.

This route is sub-standard in terms of carriageway width to cater for safe two-way traffic flows, horizontal alignment and forward visibility which is lacking in structural integrity, drainage and street lighting.

The lack of segregated pedestrian footway facilities would discourage walking as a means of travel and the development would be heavily reliant on use of private motor vehicles, contrary to the aims of PPW11 and the Active Travel (Wales) Act 2013.

#### *Access from the Public Highway*

Access from the public highway would be via an existing junction off the adopted unnamed lane, which currently serves a stable block. The access measures in excess of 4.5m in wide and accommodates a sufficient turning area to ensure vehicles are able to enter and exit in a forward gear. This would be acceptable to serve the level of development proposed.

#### *Off-street parking provision*

The proposal is for 3 no. Traveller pitches. The submitted site layout plan indicates provision of 2 no. parking spaces per pitch; however, there is scope for significantly more off-street parking provision for than that shown on the plan. Consequently, the proposal gives no undue cause for concern regarding off-street parking provision.

#### *Summary*

The proposed development for a single family Traveller site would not have a significant impact in terms of traffic generation and further intensification of use to and from the site. There are concerns about the sub-standard nature of the highway network leading to the site that would be exacerbated by further intensification of use, but it is considered, on balance, and taking into account previous planning decisions on the adjacent site that the proposal would be acceptable.

#### Ecology

This application has resubmitted dormouse and bat survey work which was undertaken for a previous planning application at the adjacent site known as Broad Oaks Stables, ref. 20/0682/10.

Those survey reports did not record use of the adjacent areas by dormice, or any bat use such that the previous development would have been considered to have any unacceptable impact.



Initially, it appeared that the current proposed development would affect an agriculturally improved field, with an ancient hedgerow to be retained. However, the Council's Ecologist advised that since the hardcore had already been laid, the site would have no ecology value.

The Ecologist also noted that the Applicant proposed a new section of hedgerow which, if the development is granted planning permission, should be just of hazel, together with the provision of bird, bat, and dormouse boxes; all of which should be secured by condition. However, wildflower seeding as an additional mitigation measure would not be required.

**Further material considerations:**

Further to the matters above, the Local Planning Authority is obliged to consider whether there are any other material considerations that should apply in this case, that might outweigh the identified harm to the Green Wedge.

Welsh Government Circular 005/2018 explains that the Housing (Wales) Act (2014) places a legal duty upon local authorities to ensure the accommodation needs of Gypsies and Travellers are assessed and that the identified need for pitches is met. Although the Housing Act is not planning legislation, it is relevant to this application since the unavailability of pitches to cope with identified need becomes a material planning concern.

As referenced further above, pending approval of its replacement, the Council's Gypsy and Traveller Accommodation Assessment is now out of date. The previous Assessment determined that there would be a shortfall of four residential pitches in a five-year period, although demand could be lesser or greater at the time of enquiry. However, the application demonstrates an unmet need and the demand for a fixed site of three pitches is considered justified.

Notwithstanding that unmet need, it is noted that the Applicant did not engage with the Planning Authority prior to commencing the unauthorised works and occupying the site, which is of concern.

Paragraph 63 of Circular 005/2018 states that "Pre-application discussions are particularly important to avoid misunderstanding and subsequent problems over planning permission. Constructive and positive engagement on all sides will promote trust and may help to avoid breaches of planning control. The aim should be as far as possible to help Gypsies and Travellers to provide for themselves, to allow them to secure the kind of sites they need, but in locations that are appropriate in planning policy terms".

The Planning Authority has no objection to the development of private sites and recognises that this helps to deal with both unmet need and the varying demand for sites that can occur within the period of a GTAA, however current or not that GTAA is.

However, had the Applicant or Agent sought prior advice from the Planning Authority the response would have included a recommendation to avoid any area that falls within the Green Wedge designation.

The Circular also advises that the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED), established by Section 149 of the Equality Act (2010) are germane. The former requires that decisions taken must respect private and family life and the home, and peaceful enjoyment of their possessions. The PSED is relevant because of the protected characteristics of the Applicant.

A further factor is that the requirements set out within of Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) must be considered. The Article states that the best interests of children must be a primary consideration in making decisions that may affect them. All relevant adults should do what is best for children and when decisions are made, the impact on the child must be considered.

Article 3 applies in this case, and it is evident that if the application did not gain consent the outcome would undoubtedly be disruptive to family life and that of the younger family member. Although, as a national treaty, the UNCRC has not been incorporated directly into domestic law, it has been recognised at Parliamentary level that its principles often guide practice and are often referred to by the courts when interpreting human rights.

Aware of these additional material matters, the courts have held that the identified harm to the public interest, i.e., the harm to the Green Wedge, must be balanced against the rights and personal circumstances of the Applicant. Article 8 of the European Convention on Human Rights states that "Everyone has the right to respect for his private and family life, his home and his correspondence".

Article 8 also instructs that "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

In this case the interference is considered to be justified, firstly because the development does not benefit from planning permission and secondly, since the land in question is subject to one of the strongest planning policy designations intended to prevent development other than for those circumstances which would be considered 'very exceptional'.

Of the three children who live at the site, two are over 18 years of age and the other over 16. The UNCRC defines a child as everyone under 18 "unless under the law applicable to the child, majority is attained earlier". In Wales Section 3 of the Social

Services and Well-being (Wales) Act 2014 states that a child is a person who is aged under 18.

The Applicant's Agent has confirmed that the youngest daughter is looking to start a college course. This is considered relevant because there would not be the same kind of disruption to family life than one where a child was attending and settled at a local school, and then, potentially, having to move as the result of a refusal of planning permission.

Likewise, if the Applicant's daughter was to enrol in a college the catchment area for further education provision tends to be fairly wider and therefore considerations about the location of the family home would not be considered to be so pertinent.

Although the Council has no record of the Applicant or his family presenting their need for a site to the Housing Strategy Team, in the instance of this planning application being refused, the Team would be engaged to support a search for suitable options. Members will also recognise the Applicant's right of appeal to the Welsh Ministers.

### *Summary*

Circular 005/2018 advises that national planning policy on Green Belts or Green Wedges applies equally to applications for planning permission for Gypsy and Traveller sites and other residential uses, and that New Gypsy and Traveller sites within them are likely to be inappropriate development.

The Circular does not identify what might constitute very exceptional circumstances although PPW 11 clarifies that this is a situation where other considerations clearly outweigh the harm which such development would do to the Green Belt or Green Wedge.

Whilst the preceding paragraphs describe other, specific legislation which must be taken into account when determining an application for a Gypsy and Traveller site, such as the Housing Act and Public Sector Equality Duty, these wider matters would be material to all such similar Gypsy and Traveller applications and therefore are not considered to be 'very exceptional' in that context.

The matter of whether planning permission should be granted, subject to a 'personal condition' limiting use of the development to that of the Applicant and nominated family members, and/or the practicality of a temporary consent, was considered. A personal condition was used at the adjacent Broad Oaks Stables Gypsy and Traveller site for the three pitches.

However, as highlighted further above, the circumstances of that previous application were different in that the land was already partly previously developed and occupied by a stable block. So, in addition to the element of brownfield land, the owner of that site could also demonstrate a locational need which had not been demonstrated in a

similar way for Twelve Oaks. The fact that the Applicant is noted within the supporting statement to be a distant cousin of the neighbouring site owner is considered to be a matter of very little weight.

Paragraph 59 of Circular 005/2018 advises that personal permissions are exceptions and would rarely outweigh more general planning considerations. The Circular goes on to add that “personal permissions are only relevant to situations where uses or operational development must cease and be removed once the occupiers move, or their material circumstances otherwise change”. The Circular states that it should be rare to grant temporary permissions.

Since the need of the Applicant is to establish a permanent site for him and his family and does not relate to a limited period of time or a specific need to be located at this part of Llanharry, this indicates that neither a temporary planning permission, nor one limited by a personal condition, would be appropriate.

Consequently, the recommendation to Members, on balance, is that the development would be inappropriate and harmful to the Green Wedge designation and should not be outweighed by the personal circumstances of the Applicant and his family; the lack of available alternative sites; or any of the other aforementioned material considerations.

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

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

The Council’s Solicitor has advised that although the touring caravan and static caravan are unlikely to amount to a building for the purposes of planning and CIL liability, this would not be the case for a permanent utility/day room, the three of which would have a combined internal floor space of just over 185.8m<sup>2</sup>.

Consequently, part of the development is of a kind that is liable for a charge under the CIL Regulations 2010 (as amended). The application lies within Zone 3 of Rhondda Cynon Taf’s Residential Charging Zones, where there is a liability of £85m<sup>2</sup> for residential development (including extensions to dwellings over 100m<sup>2</sup>).

The CIL (including indexation) for this development is therefore expected to be £24,449.41.

### **Conclusion**

National planning policy and guidance clearly acknowledges that locations outside of the settlement boundary may be justified for Gypsy and Traveller sites, and indeed may be preferable.

However, for the reasons set out in the preceding sections of the report, greater weight has been attributed to LDP Policy SSA 22 and the national policies which seek to safeguard areas of designated Green Wedge.

In the overall planning balance therefore, due to the harm to the Green Wedge, the application is recommended for refusal.

**RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. By virtue of its location within land designated as Green Wedge, the proposal would constitute inappropriate development and be harmful to its open nature.

The Local Planning Authority has balanced this harm against other material considerations that would weigh strongly in favour of the proposal, including the availability of alternative sites, the personal circumstances of the Applicant, and legislation pertaining to equality, human rights and the best interests of the child.

However, it is considered, on balance, that these material considerations do not represent the very exceptional circumstances which would be sufficient to justify harm to the Green Wedge.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
23<sup>rd</sup> NOVEMBER 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

**Agenda Item No. ....**

**APPLICATION NO:22/1378/15 – Variation of condition 1 of planning permission ref. 15/1635/10 - to extend time limit for commencement of development by one year (Drainage Briefing Note 10/02/23 Rev.2 - 10/07/23, received 16/06/23), Llwynceilyn Farm, Hafod Lane, Porth, CF39 9UE.**

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

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

## **2. RECOMMENDATION**

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

## **3. BACKGROUND**

This application was reported to the 17 August 2023 Planning and Development Committee meeting with an officer recommendation of approval (a copy of the original report is attached at Appendix 1). At that meeting Members were minded to defer determination of the application as it was considered further information was required in respect of the following:

- i. Further assurance from the Council's Flood Risk Management and Tip Safety teams that the supporting information provided by the applicant clearly demonstrates that the proposed site drainage arrangements would ensure the turbines will have no detrimental impact upon the safety of the adjacent tip complex by way of issues associated with surface water drainage.
- ii. Assessment of whether the potential surface water drainage / tip safety issues might result in an impact significant enough to require Environmental Impact Assessment.
- iii. Confirmation from the applicant of the proposed cable route – location and whether the developer intends to install it themselves or have National Grid install it on their behalf.

- iv. Further details in respect of the visual impact of the proposed scheme.

Following deferral of the application and the above requests from Members, further discussion has been held with the applicant and the Flood Risk Management (FRM) / Tip Safety (TS) teams. Supplementary comments have been provided by each, which are set out below (to be considered in conjunction with the earlier Committee report at Appendix 1).

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

##### ***i. Further comments of the Flood Risk Management and Tip Safety teams in respect of the proposed site drainage arrangements and any potential impacts to the adjacent tip complex***

Following the above request from Members, the below additional comments have been received from the FRM and TS teams:

##### *Flood Risk Management (summarised)*

Following on from the below and in review of the responses provided to date and the additional request from Committee, the FRM team cannot offer any wider comments than those already provided. FRM would refer to the response issued 07/07/2023 (attached) which is the most relevant response to this scheme and includes a statement in respect of the hydrogeology. I would note however that this assessment and response was provided based on the available information submitted by the applicant.

For Members information, the FRM team's response of 07/07/2023, as detailed above, is set out at Appendix 2.

##### *Tip Safety (summarised)*

The impact in respect of the local hydrogeology has been addressed by the inclusion of Appendix E - Hydrogeology Report within the submitted *Drainage Briefing Note (DBN)*. The objective of this supplementary report was to "Assess the potential for the likelihood of sub-surface flow towards the existing colliery spoil tips".

Appendix E is a relatively simplistic appraisal of the geological conditions at the site but is correct in its conclusion that the strata in the vicinity of the tips and turbines dips at approximately 5 degrees to the north east and away from the tip complex. The inference taken is that as the strata dips away from the tips that any infiltration as a result of the turbine development will be captured by the drainage design and the existing hydrogeological regime and be directed away from the tip complex.

Appendix E identifies the turbine area as being outside the 'Development High Risk Area' identified by the Coal Authority, the report further outlines the risk of the existing geology upon the existing coal tips and confirms that the local



hydrogeology and topography do not increase the risk of groundwater migration towards the tip structures.

The turbines are located some 300m plus from the nearest boundary of the tip complex and are on the north eastern side of the watershed. Given the turbine footprint size within the wider landscape and the fact that they are down dip it is considered that they will have minimal or no effect to the wider hydrogeological regime.

The turbine hardstanding areas will increase the surface run off amount locally. It is this alteration to the existing green field run off and infiltration system that is required to be captured and compensated for in the drainage proposals. The drainage scheme is proposed to convey any generated flows away from the tip complex and is therefore accepted as a method of removing or reducing any potential risk to the tips.

Purely from a tip safety point of view and based on the information provided and the conclusions of the report, it is considered acceptable that the risk to the coal tips has been assessed and found to not be influenced by the hydrogeological regime or drainage arrangements identified to support the installation of turbines and access tracks.

For Members information, notwithstanding the above and independent of this planning application, the public concerns regarding this tip complex (and all coal tips in general) are recognised in the terms of wider tip safety. RCT have recently set up a dedicated Tips team to ensure a proactive approach to coal tip safety as far as is practicable within current legislation. With regard the Ynyshir tip complex in particular, the Council is taking a proactive approach by undertaking regular inspections and, with the consent of the landowner, monitoring of groundwater levels within the tip complex and comparison with historical levels is taking place. This work is independent and separate from the proposed wind turbine development but is included here for information and reassurance of the work the Council is undertaking to review and monitor this particular tip complex.

## ***ii. Environment Impact Assessment***

At the time of the original planning application (2015), in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the development was of a scale that required the Local Planning Authority (LPA) to first 'screen' the scheme before submission to determine whether significant effects on the environment were likely and if so, whether Environmental Impact Assessment (EIA) was required. This process was undertaken before the original application was submitted and it was considered that the development would be unlikely to have significant effects on the environment. Therefore, EIA was not required (screening opinion ref. 14/5366/35, 19/01/15).

As this current application simply seeks the renewal of the original permission, not permission in the first instance, the principle of development and all

material planning considerations have already been established as acceptable. The key considerations in the determination of this current application are only whether there has been a material change in circumstance at the site since the granting of the previous consent which would prevent the renewal of the existing planning permission or justify the imposition of additional conditions / removal/variation of existing conditions. There is consequently no scope to revisit the need for EIA at this stage.

However, as noted in the earlier report, a number of surface water run-off / tip safety issues have arisen in the surrounding area since the granting of the original consent, and it is considered that these issues should be thoroughly assessed through this current application process rather than the usual discharge of condition process following any permission being granted. As such, while not material to the consideration or validation of this current application, an informal screening process has been undertaken to determine whether EIA would be required if the original application were to be submitted today. Members are advised however that the 2011 EIA Regulations have been revoked and replaced by the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and it is against the current version of the Regulations that the latest assessment has been considered.

### *Informal EIA Screening Opinion 2023*

The proposed development falls within Schedule 2, Class 3 (Energy industry), Sub-section (a) (Industrial installations for the production of electricity, steam and hot water [unless included in Schedule 1]) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and exceeds the relevant threshold criteria set out in Column 2 of the Table. Therefore, should the original application have been submitted today, it is of a scale that would require the Council to give a formal screening opinion as to whether the development would require EIA or not prior to submission.

With the above in mind, the site remains in a similar, if not identical position to that during the determination of the original application, and this extension of time application does not propose any changes to the development scheme previously approved. While it is accepted that surface water drainage issues have arisen in the surrounding area, resulting in a landslip at a neighbouring tip complex, full site drainage arrangements have been submitted with this application which are considered acceptable by both the Council's FRM and TS teams. Furthermore, the drainage details submitted are of the same standard as that which would be required by an EIA, just packaged differently, i.e. they are submitted as stand alone reports rather than included as a chapter within an Environmental Statement (ES) that would also cover wider issues. As such, although an ES has not been submitted with this current application, the same level of information that would be expected to be included within one has been; and is considered acceptable by the relevant consultees.

Having taken account of the criteria set out in Schedule 3 of the 2017 EIA Regulations and the assessment above, it is not considered renewal of the existing permission would result in an environmental impact different to that in 2015 or of more than a local nature. Therefore, should the original application have been submitted today, it is not considered it would constitute EIA development.

### ***iii. Cable Route***

As set out within the earlier report, the original 2015 application detailed that a grid connection could be provided from a kiosk near to Ynyshir Community Primary School directly to the west of the site at the valley floor, via an underground cable down the adjacent mountainside and through the tip complex. However, this element of the scheme was not included within the application site red line boundary and therefore does not benefit from planning permission. Subsequently, should this extension of time application be approved, a separate planning application for the cable would be required, whether that be the route previously identified or any other route. However, Members were also advised that the installation of any cable could be undertaken by National Grid (NG) without the need for planning permission through their permitted development rights as statutory undertaker, subject to relevant criteria.

In light of the above ambiguity over the potential cable route Members requested confirmation from the applicant of the proposed route and whether the developer intends to install it themselves or have NG install it on their behalf.

In response to this request, while no definite route has been provided, the applicant has advised that any potential cable route would not impinge on the tip complex. Two route options are currently being pursued, one to the north and one to the south of the tips, both avoiding the tip complex altogether. No information has been provided in respect of whether the applicant would install any cable themselves or have NG install it for them.

Despite the continuing lack of clarity, Members are again advised that as no cable route is included within the red line boundary of the current planning permission, any potential cable route outside of this area does not fall within the scope of this application and therefore does not form a material consideration of this current application. Nor does the issues of whether the applicant would install it themselves or have NG install it on their behalf. Any impacts associated with any potential future cable route would be subject of a separate planning application, if required.

Finally, Members are also advised that even if the applicant did provide more comprehensive details of a cable route at this time and information in respect of who would instal it, the LPA would have no control in ensuring they comply with those details going forward as they are outside of the scope of this application.

#### **iv. Visual Impact**

As noted in the earlier report, the scheme proposed by this extension of time application currently benefits from planning permission. The general principle of the proposed development has therefore already been established as being acceptable, including any potential visual impact. The key considerations in the determination of this current application are whether there has been a material change in circumstance at the site since the granting of the previous consent which would prevent the renewal of the planning permission or justify the imposition of additional conditions / removal/variation of existing conditions.

Following an examination of the previous application and an inspection of the site and its surroundings, it is evident that the site remains in a similar, if not identical position to that during the determination of the earlier application. Furthermore, while it is noted that PPW has been updated since the original consent was granted, there has been no significant change to the guidance contained within it. The main thrust and general context of sustainable development remains unaltered and the push for renewable energy schemes remain a key priority. The push for renewable energy developments has also been strengthened through FW2040, published since the granting of the original consent.

Therefore, with this application not proposing any changes to the development scheme previously approved, simply the variation of an existing condition to allow a further year for development to commence, the visual impact considerations and conclusions of the original 2015 application remain unaltered and valid, with the scheme still being considered acceptable in visual terms. The visual impact considerations set out in original 2015 Committee report are attached for Members information at Appendix 3.

#### **5. CONCLUSION**

It is considered sufficient information has been provided to demonstrate that the proposed site drainage arrangements would not increase the risk of surface water flooding on or around the site or would have any detrimental impact to the nearby tip complex. Furthermore, it is not considered the scheme would result in an impact significant enough to warrant EIA and is acceptable in visual terms. While it is accepted there is still some uncertainty regarding the potential cable route, any issues in this respect fall outside of the scope of this current planning application.

Taking the above into account, with no significant difference in general planning circumstance at the site since the previous application was approved that would prevent the renewal of the existing permission or require any further conditions to be added, it is considered reasonable and appropriate to renew the previous consent for a further year; including the discharge of the pre-commencement elements of condition 24, and conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 being varied to compliance related wording.

**APPENDIX 1 – Original Committee Report (including Appendix A to that report)**  
**APPENDIX 2 – Flood Risk Management team comments of 07/07/2023**  
**APPENDIX 3 – Visual Impact Assessment of Application Ref. 15/1635/10**

**APPENDIX 1 – Original Committee Report (including Appendix A to that report)**

**PLANNING & DEVELOPMENT COMMITTEE**

**17 August 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1378/15 (MF)  
**APPLICANT:** Cenin Renewables Ltd  
**DEVELOPMENT:** Variation of condition 1 of planning permission ref. 15/1635/10 - to extend time limit for commencement of development by one year (Drainage Briefing Note 10/02/23 Rev.2 - 10/07/23, received 16/06/23).  
**LOCATION:** LLWYNCELYN FARM, HAFOD LANE, PORTH, CF39 9UE  
**DATE REGISTERED:** 23/11/2022  
**ELECTORAL DIVISION:** Graig and Pontypridd West

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**RECOMMENDATION:** Approve

**REASONS:** The scheme would provide a wind energy development that would contribute to Welsh Government's commitment to optimising renewable energy generation within Wales.

Sufficient information has been provided to demonstrate that the proposed site drainage arrangements would not increase the risk of surface water flooding on or around the site; and would have no detrimental impact to the nearby tip complex. The pre-commencement elements of condition 24 can therefore be discharged through this planning application.

The pre-commencement elements of conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 have already been approved through earlier discharge of conditions applications. These conditions can subsequently be varied from pre-commencement to compliance related wording.

With no material change of circumstance at the site since the granting of the original planning permission that would prevent the renewal of the existing consent, and confirmation that appropriate site drainage arrangements would be installed, there is no objection to the variation of condition 1 and the extension of the planning permission for a further year.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

- 3 or more letters of objection have been received from members of the public.

### **APPLICATION DETAILS**

#### *Background*

Full planning permission for the construction of two wind turbines and associated infrastructure was originally granted at the site on 24/11/2017 (application ref. 15/1635/10). The scheme proposed two 2.5MW turbines with a maximum blade tip height of 125m above ground level. Associated infrastructure included the turbine foundations and crane hardstanding areas, two external transformer and switchgear cabins, a temporary construction compound and approximately 2.5km of access tracks. The turbines would operate for 25 years from the first generation of energy following which they would be decommissioned and removed from site. The estimated energy production would be 9547MWh, which is the equivalent of the electricity required for the annual usage of roughly 2300 homes.

Access would be gained from existing highways, specifically the M4 and A470 to Pontypridd, then the A4058 and Graigwen Road through Pontypridd to an un-named road that leads to the site entrance where new access tracks through several fields to the turbine bases would be required.

The original application set out that a grid connection could be provided from a kiosk near to Ynyshir Community Primary School directly to the west of the site at the valley floor, via an underground cable down the adjacent mountainside. However, this element of the scheme was not included within the application site red line boundary and therefore does not benefit from planning permission. Members are therefore advised that should this extension of time application be approved and the developer wishes to install a cable along this route themselves, they would be required to submit a separate planning application for those works. However, Members are also advised that the installation of any cable may be able to be undertaken by National Grid (NG) without the need for planning permission through their permitted development rights as statutory undertaker, subject to relevant criteria, should NG decide to install the cable instead.

At this point in time the applicant is unsure of whether the potential cable route identified within the original application would be used and who would install any cable; but has informally advised that is unlikely this route would be used as it would involve crossing the nearby tip complex, which they would rather avoid if possible. The applicant has advised alternate routes are being considered, but no definite plans have been finalised yet and no details have been submitted to the Local Planning Authority (LPA) at this time. It is advised that the final cable route would be determined going forward should this extension of time application be granted.

### *Current application*

This application seeks the variation of condition 1 of planning permission ref. 15/1635/10, to extend the time limit for commencement of development by one year (from the date of permission).

With full site drainage arrangements submitted in support of the application, if approved, it would also result in the pre-commencement elements of condition 24 (site drainage) becoming obsolete, essentially discharging those elements of the condition through this application and allowing the condition to be varied from pre-commencement to compliance related wording.

Condition 24 requires full site drainage arrangements to be submitted to and approved by the LPA prior to any development works commencing on site, and for works to be undertaken in accordance with the approved details thereafter.

A Drainage Briefing Note has been provided to aid this assessment, which has been amended twice since the original submission, the latest version being submitted on 10/07/23.

Condition 24 is the only pre-commencement condition attached to the original consent yet to be discharged. Each of the other ten pre-commencement conditions have already been discharged through earlier discharge of condition applications. Subsequently, if approved, this application would also allow those conditions to be varied from pre-commencement to compliance related wording:

- Condition 4 (external finishes) – pre-commencement elements discharged under application ref. 22/0645/38.
- Condition 8 (construction environmental management plan) – pre-commencement elements discharged under application ref. 22/0665/38.
- Condition 13 (noise assessment) – pre-commencement elements discharged under application ref. 22/0477/38.
- Condition 17 (species habitat protection plan) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 18 (habitat and ground restoration scheme) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 19 (bat mitigation measures) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 20 (traffic management plan) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 21 (means of access) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 22 (highway surveys) – pre-commencement elements discharged under application ref. 22/0940/38.



- Condition 25 (written scheme of historic environment mitigation) – pre-commencement elements discharged under application ref. 22/0447/38.

## **SITE APPRAISAL**

The application site covers a total area of 5.7ha and is located in the open countryside approximately 1.5km to the east of Porth and outside of the settlement boundary. It forms open farmland to the north of Llwyncelyn Farm and the turbines would be located within two adjacent fields on a wide ridgetop plateau. The land is generally semi-improved pasture used for sheep grazing and forms part of an extensive pattern of fields enclosed by stone walls and post and wire fences. The majority of land in the immediate vicinity is used for sheep grazing, although St Gwynno Forest lies adjacent to the eastern boundary of the two fields. The site lies approximately 350m A.O.D which represents the highest part of the ridge and provides extensive panoramic views. Areas of land to the west of the site, sections of mountainside between it and the settlement of Ynyshir below, form part of the Category C rated (potential to cause risk) RH72 Ynyshir Tip complex.

The closest settlements are those of Porth, Ynyshir, Wattstown and Pontygwaith, which are located between 700m – 1.5km to the west / south-west / north-west. But as well as Llwyncelyn Farm, which is located approximately 1km to the south-west of the turbine locations, a small number of individual residential dwellings are located nearby along the un-named road to the east, between 1km – 1.5km from the site (Llwynperdid Farm, Lllysnant Farm, Nyth-Bran House and Pen y Lan Farm).

Vehicular access to the site can be obtained via an existing farm track running from the un-named road forming part of the public road network to the north-east of the site, although it is noted that the construction of a new access track across several fields would be required. Public Rights of Way (PRoW) YNR/15/1 and YCC/14/1 cross the site and a further PRoW YNR/14/1 runs along the western boundary.

The site itself is unallocated but is designated as a Sandstone Safeguarding Area. Land lying immediately to the north-east is designated as a Site of Importance for Nature Conservation (St Gwynno Forestry SINIC). Land to the south and west and a separate parcel of land comprising the St Gwynno Forestry to the east are both designated as Special Landscape Areas (SLAs). The site also lies within the Rhondda Registered Landscape of Historic Interest published by Cadw.

There are no existing turbines located within the immediate vicinity of the site, the nearest being located at Mynachdy Farm, approximately 2.5km to the north-east.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

22/1363/39 – Non-material amendment to 15/1635/10 to vary the wording of condition 24 (site drainage arrangements).  
No decision, withdrawn by applicant, 09/12/22

22/0940/38 – Discharge of conditions 20 (traffic management plan), 21 (means of access) and 22 (highway conditions survey methodology) of 15/1635/10.  
Decision: Granted, 27/09/22

22/0871/38 – Discharge of conditions 17 (species habitat protection plan), 18 (habitat and ground restoration scheme) and 19 (bat mitigation measures) of 15/1635/10.  
Decision: Granted, 17/11/22

22/0665/38 – Discharge of condition 8 (construction environmental management plan) of 15/1635/10.  
Decision: Granted, 15/11/22

22/0646/38 – Discharge of condition 24 (site drainage arrangements) of 15/1635/10.  
No decision, yet to be determined

22/0645/38 – Discharge of condition 4 (external finishes) of 15/1635/10.  
Decision: Granted, 29/06/22

22/0477/38 – Discharge of condition 13 (noise assessment) of 15/1635/10.  
Decision: Granted, 07/11/22

22/0447/38 – Discharge of condition 25 (written scheme of historic environment mitigation) of 15/1635/10.  
Decision: Granted, 24/05/22

20/0050/15 – Variation of condition 2 of planning permission ref. 15/1635/10 (erection of 2 no. wind turbines with a tip maximum height of 125m and associated infrastructure, transformer cabin and access track) - amend approved plans to increase maximum tip height to 131m (6m increase).  
No decision, withdrawn by applicant, 11/04/22

18/0877/10 – Erection of 2x wind turbines with 138.5m tip height and associated infrastructure, transformer cabin and access track, to supersede 15/1635/10.  
No decision, withdrawn by applicant, 11/04/22

15/1635/10 – Erection of two wind turbines with a tip maximum height of 125m, associated infrastructure, transformer cabin and access track, including access via the public highway and across Cribin Ddu Farm and Llwyncelyn Farm.  
Decision: Granted, 24/11/17

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification, site and press notices (additional consultation has been undertaken following the submission of updated information throughout the application process). Letters of objection have been received from 23 individuals, making the following comments (summarised):

- There has been a large increase in surface water running-off the mountain down to Heath Terrace in recent years, resulting in some properties along the street being flooded. The existing culverts cannot cope with the current amount of surface water run-off and have recently had to be repair/maintained at public expense. The construction of 2 wind turbines at the top of the mountain would exacerbate this issue.
- Full site drainage arrangements were not considered during the original application process. That application was determined prior to the recent, major storm events which resulted in a major landslip nearby. The water environment has therefore changed in the area since the granting of the original consent and needs to be reconsidered.
- Insufficient information has been provided to demonstrate that the construction of 2 turbines at this site would not result in further flooding to the properties below and potential land slips, being sited above a high risk coal tip.
- The site sits above a high risk coal tip which has culverts running through it to reduce the flow of surface water run-off through it. Underground channels at the top of the mountain link up and pass through the tips. The construction of 2 wind turbines at the top of the mountain would increase surface water run-off and could lead to potential slippage of the tip, below which are residential properties and a primary school at Ynyshir.
- Has the Council checked the tip to compare current water levels with historic levels? Without this information no decision should be made.
- A National Coal Board report identifies that a significant amount of extraction has occurred directly below the area of the proposed wind turbines and the nearby coal tips. Other similar developments have been required to move the positioning of turbines for similar reasons, e.g. Ogmore Vale.
- It is believed the cable route is still planned to pass through the middle of the coal tip complex. The positioning of the cable route should be reconsidered as it could result in slippage of the tip.

- The development could result in surface water run-off into the Trehafod area, affecting the critical, singular road and rail infrastructure network into the Rhondda. This is an area that continues to have flooding issues every autumn and winter.
- An application was submitted at this site 20 years ago for a transmitter mast. The Council refused that application because the ground was unstable. How can the Council now contemplate wind turbines at this site? The land is now more unstable and more prone to subsidence, erosion, or mass land movement as indicated by landslip events in recent years caused by ever worsening inclement weather.
- Who would pick up the cost if flooding or landslips occur as a result of this development?
- Quarrying has taken place directly above the coal tips with large rocks rolling over the tips. This could exacerbate any slippage issues.
- The residents of this area will have a 360 degree of view wind turbines following development.

A further letter was also received from the occupiers of a nearby farm setting out that they have no objection to the planning application.

## **CONSULTATION**

Flood Risk Management – No objection or conditions suggested. The proposed site drainage arrangements would include appropriate sustainable drainage methods that would be sufficient to ensure there is no increase in surface water run-off in the area as a result of the development.

Tip Safety Team – No objection or conditions suggested. The supporting information provided by the developer appropriately demonstrates that there would be no adverse effects on the RH72 Ynyshir Tip complex.

Highways and Transportation – No objection subject to the re-imposition of previous conditions.

Public Health and Protection – No objection subject to the re-imposition of previous conditions.

Public Rights of Way Officer – No objection.

Natural Resources Wales – No objection.

Merthyr Tydfil County Borough Council – No objection.

Bridgend Country Borough Council – No objection

No other consultation responses have been received within the course of the application.

## **POLICY CONTEXT**

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

The current LDP's lifespan was 2011 to 2021. 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 is outside of any settlement boundary and is unallocated. It is largely within the Northern Strategy Area save for the south-east section of the proposed access track which is located within the Southern Strategy Area.

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

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

Policy CS10 – sets out criteria for the protection of mineral resources.

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 (CIL).

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

Policy AW6 – requires development to involve a high quality design and to make a positive contribution to 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 AW14 – safeguards minerals from development that would sterilise them or hinder their extraction.

### **Supplementary Planning Guidance**

- Design and Placemaking

- The Historic Built Environment
- Nature Conservation
- Access, Circulation and Parking Requirements

## **National Guidance**

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

The original application was assessed against the 9<sup>th</sup> Edition of PPW. The policy document has been updated since the granting of the original consent with Edition 11 being the current iteration. Future Wales: The National Plan 2040 (FW2040) has also been introduced since the original planning permission was granted. Both PPW11 and FW2040 incorporate the objectives of the Well-being of Future Generations (Wales) Act into town and country planning setting out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 also sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

The aims and general context of the revised PPW document, Edition 11, have remained unaltered since previous versions, with the emphasis being on sustainable development. The aims and general context of FW2040 are the same, with a strong presumption in favour of renewable energy projects.

It is considered 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
- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national 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 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport

- PPW Technical Advice Note 23: Economic Development
- Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

## **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.

This scheme relates to the construction of two wind turbines and associated infrastructure at the site. The original consent was granted in 2017, subject to a number of relevant conditions. This application seeks to vary condition 1 of the original consent, to extend the planning permission for a further year, as well as the discharge of the pre-commencement elements of condition 24 (site drainage), the only pre-commencement condition attached to the original consent yet to be discharged. If approved, each of the already discharged pre-commencement conditions would also be amended from pre-commencement to compliance related wording in accordance with the details approved under the earlier, relevant discharge of conditions applications.

The key considerations in the determination of this application are therefore whether there has been a material change in circumstance at the site since the granting of the previous consent which would prevent the renewal of the planning permission or justify the imposition of additional conditions / removal/variation of existing conditions; and whether the site drainage arrangement details submitted with the application are sufficient to demonstrate that the development would not increase the risk of surface water flooding on or around the site, or would have any detrimental impact to the nearby tip complex.

For Members information, while the existing permission's expiry date for commencement of development has passed, 24/11/22, as this application to extend the time period for development was submitted prior to the expiry date of the original planning permission, on 23/11/22, the permission remains live until this application (and any subsequent appeal) has been determined, following which the consent would either be extended or would expire.

### **Principle of development**

The scheme proposed by this extension of time application currently benefits from planning permission (15/1635/10), albeit it is accepted that the consent would expire should this application be refused and any subsequent appeal be dismissed. The general principle of the proposed development has

consequently already been established as being acceptable, however a brief overview of the key considerations are set out below.

While it is noted that PPW has been updated since the original consent was granted, there has been no significant change to the guidance contained within it. The main thrust and general context of sustainable development remains unaltered and the push for renewable energy schemes remain a key priority.

The push for renewable energy developments has also been strengthened through FW2040, published since the granting of the original consent. The national policy document has an overarching presumption in favour of such developments establishing 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's international commitments and the target to meet 70% of consumed electricity by 2030.

In addition to the above, following an examination of the previous application and an inspection of the site and its surroundings, it is evident that the site remains in a similar, if not identical position to that during the determination of the earlier application. Therefore, with this application not proposing any changes to the development scheme previously approved, simply the variation of an existing condition to allow a further year for development to commence, the scheme remains acceptable in respect of its visual impact, its potential impact upon the amenities of surrounding residents and highway safety, and in biodiversity terms, subject to the imposition of the original conditions (amended to compliance related wording where necessary).

Subsequently, in general terms, it is not considered any new impacts have arisen since the original permission was granted that would prevent the renewal of the existing consent.

However, notwithstanding the above and as mentioned by the objectors, a number of issues have arisen in the surrounding area since the granting of the original consent in respect of surface water run-off on the mountainsides of the Valley, which has led to flooding in the area and a landslip nearby. Therefore, while it was considered site drainage arrangements could be adequately controlled by condition during consideration of the original application, which was granted before some of these issues were apparent and is the usual process for such schemes, it is now considered these issues should be considered through the application process and prior to determination to ensure the turbines would not result in any surface water impacts. This is discussed in detail within the following section of the report.

#### **Site drainage arrangements (discharge of the pre-commencement elements of condition 24)**

As detailed above, condition 24 is the only pre-commencement condition attached to the original consent yet to be discharged. It requires full site



drainage arrangements to be submitted to and approved by the LPA prior to any development works commencing on site, and for works to be undertaken in accordance with the approved details thereafter.

The approval of site drainage arrangements by way of condition following the granting of planning permission is the usual process for such schemes. Therefore, with no concerns in respect of surface water flooding in the area during consideration of the original application, this approach was taken when consent was originally granted. However, it is noted that a number of major storm events have occurred since the granting of the original consent which, at times, have led to properties in the area being flooded by way of surface water running-off the mountainsides. One storm event also led to a well-documented landslip further up the Valley at Tylorstown.

It is therefore evident that the water environment in the area has changed since the granting of the original consent and needs further consideration. This issue has been highlighted by the objectors who, in the main, believe that the erection of two turbines at the site would exacerbate surface water issues in this area, leading to further flood events and potentially further landslips, notably at the RH72 Ynyshir Tip complex which sits on the mountainside between the application site and the residential area of Ynyshir below.

Consequently, while it was considered site drainage arrangements could be adequately controlled by condition during consideration of the original application, this approach is no longer considered appropriate. It is now considered these issues should be fully assessed during the application process and prior to the renewal of planning permission, should Members resolve to do so.

In light of these issues the applicant has provided a Drainage Briefing Note in support of the application which sets out the full, proposed site drainage arrangements of the scheme (the latest version of which being submitted on 10/07/23).

In reviewing the information provided by the applicant and the comments received by the objectors the Flood Risk Management (FRM) team raised no objection to the application. It was commented that the applicant's supporting information demonstrates the proposed site drainage arrangements would include appropriate sustainable drainage methods that would be sufficient to ensure there is no increase in surface water run-off in the area as a result of the development. FRM are subsequently of the opinion that the development would result in no further flood risk to the properties at Ynyshir below the site or any further risk to the tip complex over and above that which already occurs. As such no objection is raised and it is advised the pre-commencement elements of condition 24 have been satisfied.

The Tip Safety (TS) team also advised that the supporting information provided by the developer demonstrates that there would be no adverse effects to the RH72 Ynyshir Tip complex, and that the report is considered

appropriate and acceptable. Therefore, no further information is required and no objections are raised / conditions suggested.

It is noted that an objector queried whether the Council has assessed the tips as part of this planning application process. The Council has not undertaken any specific investigation as part of the planning application assessment, and as the tips in question are under private ownership, it is the responsibility of the landowner to manage and maintain them, ensuring their safety. However, the TS team advised that, in accordance with their powers under the Mines and Quarries (Tips) Act 1969 (as amended), they do undertake regular monitoring and investigation of the tip complex as appropriate to the risk category of the tip; and following assessment of this case and available information, it is their opinion that the information submitted in support of the application, which has been produced by appropriately qualified engineers, sufficiently demonstrates that there would be no impact as a result of the proposed development, which is acceptable.

Taking the comments of the FRM and TS teams in account, while the concerns raised by the objectors are fully acknowledged, it is considered that sufficient information has been provided to demonstrate that the turbines would not result in any increase in surface water flooding in the area, or any determinantal impact to the nearby tip complex.

The scheme is therefore considered acceptable in this respect and sufficient information has been provided to effectively discharge the pre-commencement elements of condition 24, allowing variation of the condition to compliance related wording.

### **Variation of pre-commencement conditions that have already been discharged**

As set out above, the applicant has already discharged all but one of the pre-commencement conditions attached to the original planning permission through earlier discharge of conditions applications. Therefore, should Members be minded to approve this application, it would be appropriate to remove the pre-commencement elements of those conditions, altering the wording of the conditions to instead ensure development proceeds in accordance with the approved details. Specifically, the following conditions would be varied:

- Condition 4 (external finishes) – pre-commencement elements discharged under application ref. 22/0645/38.
- Condition 8 (construction environmental management plan) – pre-commencement elements discharged under application ref. 22/0665/38.
- Condition 13 (noise assessment) – pre-commencement elements discharged under application ref. 22/0477/38.
- Condition 17 (species habitat protection plan) – pre-commencement elements discharged under application ref. 22/0871/38.

- Condition 18 (habitat and ground restoration scheme) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 19 (bat mitigation measures) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 20 (traffic management plan) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 21 (means of access) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 22 (highway surveys) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 25 (written scheme of historic environment mitigation) – pre-commencement elements discharged under application ref. 22/0447/38.

It is also noted that conditions 1 (time limit) and 2 (approved plans /documents) would be altered to allow a further year for development to commence and to include the additional information submitted with this application.

For clarity, the original conditions and the proposed varied wording are set out in Appendix A. Conditions not set out within the Appendix would not alter from the previous planning permission.

### **Neighbour consultation responses**

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

- *Quarrying has taken place directly above the coal tips with large rocks rolling over the tips. This could exacerbate any slippage issues.*

No works have been undertaken within the application site. Any works outside of the site would be beyond the scope of this application and would be subject to separate investigation / permissions (if required). It is noted however that following complaints from members of the public Planning Enforcement officers have undertaken several visits in the area both before this application was submitted and since, with no unauthorised works being found.

- *An application was submitted at this site 20 years ago for a transmitter mast. The Council refused that application because the ground was unstable. How can the Council now contemplate wind turbines at this site? The land is now more unstable and more prone to subsidence, erosion, or mass land movement as indicated by landslip events in recent years caused by ever worsening inclement weather.*

A search of the Council's planning application register has not found any records of applications for transmitter masts at this site, however, it is noted that 2 applications for telecommunications masts were submitted under the prior approval (permitted development) process at other locations within the

wider farm boundary (2004 and 2006). Those applications were refused due to potential impacts upon the landscape and the associated radio waves having potential public health implications, not due to land instability concerns. In any case, despite the refusal those applications, all applications must be considered on their own individual merits and as set out in detail above, the impacts of site drainage and land stability relevant to this development have been considered and are deemed acceptable.

- *Who would pick up the cost if flooding or landslips occur as a result of this development?*

As set out above, this development would not result in any further surface water issues in the area over and above that which already occur. Any damage/maintenance issues arising as a result of the development would be a private matter between the relevant parties.

- *The residents of this area will have a 360 degree of view wind turbines following development.*

The visual impact of the development was considered in full during the original application process. Any potential impacts were considered acceptable and planning permission was granted. Therefore, as noted above, with the site remaining in a similar, if not identical position to that during the determination of the earlier application and with no changes to the scheme proposed, the development is again considered acceptable in this regard.

### **Community Infrastructure Levy Liability**

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

It is accepted a number of surface water run-off and land stability issues have arisen in the surrounding area since the granting of the original consent. However, it is considered sufficient information has been provided to demonstrate that the proposed site drainage arrangements would not increase the risk of surface water flooding on or around the site or would have any detrimental impact to the nearby tip complex. There is subsequently no objection to the pre-commencement elements of condition 24 being discharged through this planning application.

Further, as the details required by the pre-commencement elements of conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 have already been agreed, there is no objection to these conditions being varied to compliance related wording.

In light of the above, and with no significant difference in general planning circumstance at the site since the previous application was approved that would prevent the renewal of the existing permission or require any further conditions to be added, it is considered reasonable and appropriate to renew the previous consent for a further year.

**RECOMMENDATION:** Approve, subject to 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 ref.:

- Figure 1: General Location Plan – 16/05/16
- Figure 1a: Location Plan showing access route to site – 16/05/16
- Figure 2: Detailed Layout – 16/05/16
- Figure 3A: Transformer Cabin (Plan & Elevation) – 16/05/16
- Typical Wind Turbine and Foundation: Vensys – 16/05/16

and documents received by the Local Planning Authority on 16/05/16, 23/11/22 and 10/07/23; and with all documents approved within the earlier, associated discharge of conditions applications, 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 permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be notified in writing by the developer to the Local Planning Authority within one month 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 will include details of:

- 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 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 schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with Policies CS1, AW5, AW6, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

4. The turbines hereby approved shall be constructed in accordance with the details (design, colour and external finish of the turbines and associated structures) agreed under discharge of conditions application ref. 22/0645/38, granted 29/06/22. Should alternate details to those approved by application ref. 22/0645/38 be proposed then no operations shall commence on site until further details of the design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the details so approved thereafter.

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

5. The wind turbines shall be of a 3 bladed configuration and not exceed an overall height of 125m to the tip of the turbine blades. The turbines shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbines shall not be illuminated and there shall be no permanent illumination on the site.

Reason: In the interest of visual amenity in accordance with Policies AW5, AW6, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

6. In the event that either turbine does not function (i.e. does not supply electricity to the grid) 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 one metre below ground level, and removed from the site within a period of 6 months from the end of that 12 month period.

Reason: In the interests of visual amenity and to ensure that 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 CS1, AW5, AW6, AW7, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

7. All electricity and control cables between the turbines and the switch room shall be laid underground.

Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

8. The development works hereby approved shall be carried out in accordance with the detailed design and method statements for construction agreed under discharge of conditions application ref. 22/0665/38, granted 15/11/22.

Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

9. Construction work on site, excluding the delivery of abnormal loads and actual erection of the wind turbines, shall be confined to the hours of 07:00 – 19:00 Mondays to Sundays.

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

10. 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 attached guidance notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the table attached to these conditions 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 residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. 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, assess and report to the Local Planning Authority the level of noise emissions from the wind turbine at the property to which it relates (‘the complainant’s property’) in a scheme to be agreed with the Local Planning Authority and in accordance with the attached 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 residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. If the assessment (referred to in condition 11) 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 seconds) and  $D$  = rotor diameter in metres.

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

13. In the event that an alternative turbine to that contained in the Noise Assessment report (SLR, November 2021), agreed under discharge of conditions application ref. 22/0477/38, granted 07/11/22, 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 residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the provisions of conditions 10 – 13, 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 be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 10 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 residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. 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 guidance note 1(d) and provided to the Local Planning Authority at its request and in accordance with the attached guidance note 1(e) 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 residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.



16. 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, and 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 it relates ('the complainant's property') in a scheme to 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 be agreed with the Local Planning Authority.

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

17. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 17 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

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

18. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 18 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

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

19. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 19 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

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

20. The development works hereby approved shall be carried out in accordance with the traffic management details agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22. Any temporary mitigation measures affecting the public highway shall be implemented prior

to transportation of the abnormal loads and reinstated upon completion of the development.

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.

21. The development works hereby approved shall be carried out in accordance with the means of access details, including the permanent surfacing of the first 20m off the public highway, agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22.

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.

22. The highway conditions survey methodology agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22, shall be implemented and adhered to during development works. The development shall not be brought into 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.

23. Heavy Goods Vehicle deliveries shall only take place between 09:00am-16:00pm Monday to Friday.

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

24. The development works hereby approved shall be carried out in accordance with the full site drainage arrangements set out within the Drainage Briefing Note Rev. 2 10/07/23 (Tulip Engineering Consultancy). 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.

25. The development works hereby approved shall be carried out in accordance with the written scheme of historic environment mitigation

agreed under discharge of conditions application ref. 22/0447/38, granted 24/05/22.

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

## APPENDIX A

**Conditions varied as a result of earlier discharge of conditions approvals and the granting of this application (conditions not set out below would not alter from the previous planning permission)**

~~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.~~

~~1. The development hereby permitted shall be begun before the expiration of one year 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 nos:~~

- ~~• Location Plan: Figure 1—16/5/16~~
- ~~• Location Plan and Access Route: Figure 1a—16/5/16~~
- ~~• Detailed Layout : Figure 2—16/5/16~~
- ~~• Transformer Cabin Plan and Elevation: Figure 3a—16/5/16~~
- ~~• Typical Wind Turbine and Foundation: Vensys—16/5/16~~
- ~~• Grid Connection Route:—16/5/16~~

~~and documents received by the Local Planning Authority on 16/5/16 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.~~

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

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

- ~~• Figure 1: General Location Plan – 16/05/16~~
- ~~• Figure 1a: Location Plan showing access route to site – 16/05/16~~
- ~~• Figure 2: Detailed Layout – 16/05/16~~

- *Figure 3A: Transformer Cabin (Plan & Elevation) – 16/05/16*
- *Typical Wind Turbine and Foundation: Vensys – 16/05/16*

*and documents received by the Local Planning Authority on 16/05/16, 23/11/22 and 10/07/23 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.*

~~4. Operations shall not be commenced until details of the design, colour and external finish of the turbines and associated structures, 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 in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.~~

*4. The turbines hereby approved shall be constructed in accordance with the details (design, colour and external finish of the turbines and associated structures) agreed under discharge of conditions application ref. 22/0645/38, granted 29/06/22. Should alternate details to those approved by application ref. 22/0645/38 be proposed then no operations shall commence on site until further details of the design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the details so approved thereafter.*

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

~~8. Prior to the commencement of works on the turbine bases, access route and cable run, a detailed design and method statement for their construction shall be submitted to and approved by the Local Planning Authority. The statement shall include measures to:~~

- ~~• Prevent pollution.~~
- ~~• Control surface water runoff.~~
- ~~• Control and prevent non-native invasive species especially Himalayan Balsam and Japanese Knotweed.~~
- ~~• Include the remedial works needed to reinstate the land.~~

~~The works shall be carried out in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.~~

~~Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.~~

~~8. The development works hereby approved shall be carried out in accordance with the detailed design and method statements for construction agreed under discharge of conditions application ref. 22/0665/38, granted 15/11/22.~~

~~Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.~~

~~13. In the event that an alternative turbine to that contained in the submitted noise assessment (Chapter 9 and Appendices of the Environmental Report August 2016) 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 residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.~~

~~13. In the event that an alternative turbine to that contained in the Noise Assessment report (SLR, November 2021), agreed under discharge of conditions application ref. 22/0477/38, granted 07/11/22, 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 residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.~~

~~17. No development shall take place until a Species and Habitat Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:~~

- ~~i. An appropriate scale plan showing Protection Zones where construction activities are restricted and where protective measures will be installed or implemented.~~
- ~~ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.~~
- ~~iii. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed.~~
- ~~iv. Details of specific species and habitat mitigation and monitoring measures for key species including bats, nightjar, and reptiles.~~
- ~~v. Details of wildlife sensitive lighting proposals.~~
- ~~vi. Details of water pollution control measures.~~
- ~~vii. Details of Himalayan Balsam control.~~

- viii. ~~An agreed scheme of progress reporting to the Council during the construction programme.~~
- ix. ~~Persons responsible for:~~
  - a. ~~Compliance with legal consents relating to nature conservation.~~
  - b. ~~Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works).~~
  - c. ~~Installation of physical protection measures and management during construction.~~
  - d. ~~Implementation of sensitive working practices during construction.~~
  - e. ~~Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.~~
  - f. ~~Specific species and habitat mitigation measures.~~
  - g. ~~Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on-site.~~

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

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

*17. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 17 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.*

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

~~18. No development shall take place until details of a habitat and ground restoration scheme has been submitted to and approved in writing by the Local Planning Authority.~~

~~All works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.~~

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

*18. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 18 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.*

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

~~19. No development shall take place until a bat mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a turbine shutdown programme and further post-construction monitoring. The turbines shall not be operated other than in strict accordance with the approved scheme.~~

~~Reason: To afford protection to animal species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.~~

~~19. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 19 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.~~

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

~~20. No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. Any temporary mitigation measures affecting the public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development. The TMP shall include the following:~~

- ~~a. Detailed swept path analysis including mitigation measures and use of potential third party land.~~
- ~~b. Traffic Management (during transportation of abnormal loads).~~
- ~~c. Traffic management during construction.~~
- ~~d. Structures (over bridges height, width, weight restrictions).~~
- ~~e. Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales).~~
- ~~f. Dry Run (to be witnessed by highway authority and police).~~
- ~~g. Temporary Traffic Regulation Orders; and where residents displaced parking would take place without impacting on free flow of traffic and highway safety.~~
- ~~h. 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.~~

~~20. The development works hereby approved shall be carried out in accordance with the traffic management details agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22. Any temporary mitigation measures affecting the public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development.~~

*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.*

~~21. Development shall not 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.~~

*21. The development works hereby approved shall be carried out in accordance with the means of access details, including the permanent surfacing of the first 20m off the public highway, agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22.*

~~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.~~

~~22. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads (un-named Lane) that could be affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include:~~

- ~~a. The timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority.~~
- ~~b. Comprehensive photographs.~~
- ~~c. Potential compensation arrangements.~~

~~The development shall not be brought into 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.~~

*22. The highway conditions survey methodology agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22, shall be implemented and adhered to during development works. The development shall not be brought into 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.*

~~24. No development shall take place until full drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The turbines shall not be brought into 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.~~

*24. The development works hereby approved shall be carried out in accordance with the full site drainage arrangements set out within the Drainage Briefing Note Rev. 2 10/07/23 (Tulip Engineering Consultancy). The turbines shall not be brought into 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.*

~~25. No development shall take place until the applicant, or their agents or successors in title, has 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 will be fully carried out in accordance with the requirements and standards of the written scheme.~~

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

*25. The development works hereby approved shall be carried out in accordance with the written scheme of historic environment mitigation agreed under discharge of conditions application ref. 22/0447/38, granted 24/05/22.*

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

## **APPENDIX 2 – Flood Risk Management team comments of 07/07/2023**

*Following on from the FRM team’s previous response on the 30<sup>th</sup> May 2023 and the receipt of revised information received on the 16<sup>th</sup> June 2023, we would provide an updated response to the above referenced application.*

*The revised information refers to the ‘Drainage Briefing Note’ (DBN) within which outlined the following changes:*

- *Conveyance Capacity information*
- *SuDS Compliance Section*
- *Appendix E – Hydrogeology Report*
- *Appendix F – Maintenance Plan*

*The key issues raised in the response on the 30<sup>th</sup> May included:*

1. *Compliance with the WG National Standards for SuDS in Wales*
2. *Confirmation in respect of the cable route*
3. *Impact assessment in respect of the local hydrogeology*

*The review of the submitted information and compliance with the outstanding responses is summarised as follows:*

### **1. Compliance with the National Standards**

*The revised DBN provides a range of evidence to support this project’s compliance and a summary of the review has been provided within Table 1 below:*

<b>Standard</b>	<b>Summary of Review</b>	<b>Compliance</b>
S1	<i>Priority level 2 and 3 identified with narrative supporting its use i.e. infiltration test results, mimicking as far as reasonably possible the existing drainage arrangement based on topography and catchment boundaries.</i>	Yes
S2	<i>The overall drainage arrangement is considered acceptable however, the surface water discharge controls proposed by this scheme is set to manage the QBAR (urban) event rather than the Q100 event.</i>  <i>Despite this restriction there are 3 catchment areas (Area, 4, 5 and 14) in which the ‘Pipe Crossing Track’ information is considered inadequate to manage the Q100 event. Whilst the topography suggests that the flow of water is likely to convey with the local contours to the</i>	No

	<p><i>crossing point it would be uncontrolled.</i></p> <p><i>To satisfy the compliance with the National Standards, the applicant would need to evidence compliance of the capacity of the Pipe crossings to meet or exceed the Q100 event.</i></p>	
S3	<p><i>Whilst this section has limited direct information, the proposed works include a range of filter mediums in which the surface water is proposed to be conveyed which acts to support the filtering/cleansing requirements to meet the principal of this standard</i></p>	Yes
S4	<p><i>Whilst this section is limited, we note that the works are principally related to the access and installation of 2 no wind turbines within a rural setting, with little to no community access, whilst the creation of a formal access track could encourage future access to the upper catchment areas this is not consider supported by health and wellbeing benefits.</i></p> <p><i>Notably however, the proposed works support the installation of 2 No Wind turbines which supports the creation of renewable energy which in turn supports the health and wellbeing of the local community and as such will indirectly support the long term health and wellbeing of the local community.</i></p>	Partial Compliance
S5	<p><i>Whilst this section is limited, we not that the works are principally related to the access and installation of 2 no wind turbines within a rural setting, we would typically expect more biodiversity inclusion within the surface water drainage infrastructure i.e. local planting within the channel to complement the existing habitats.</i></p> <p><i>However, as this application is limited by the infiltration rates of the local subsurface it is accepted that more traditional filter drainage infrastructure is utilised to maximise storage volume within steep catchment area rather than more typical green infrastructure solutions.</i></p>	Partial Compliance
S6	<p><i>The applicant has provided a 'Construction Method Statement' and 'Drainage Maintenance Plan' to support the short term management of the construction phase and long term maintenance of the drainage infrastructure to ensure the infrastructure is fit for purpose for the duration of the life of the assets.</i></p>	Yes

*Table 1: provides a short summary of the review for each National Standard and a conclusion as to the compliance of the scheme in respect of the National Standards.*

*In review of Table 1 all but one National Standard is considered compliant or partially compliant i.e. Standard S2. This is due to the design principal in which the drainage infrastructure specifically the 'pipe crossing' structures have been designed to accommodate the QBAR (urban) design flow rather than the Q100 design flow. Due to the rural nature in which the proposed works are considered and the low infiltration rates within the eastern slope area all but 3 catchment areas pipe crossings meet or exceed the Q100 flow when considering the number of pipe crossings within each catchment area.*

*Unfortunately, catchment areas 4, 5 and 14 do not have adequate capacity within the pipe crossings to accommodate the expected flow rate.*

## **2. Confirmation of the impact of the cable route**

*Following a discussion with the applicant and their design team on the 01/06/2023 the applicant confirmed that the cable route was to be considered within a separate planning application due to the extent of the red line boundary that supports the original planning application. This was verified with the LPA team and as such is considered appropriate method to manage the risk posed by laying a power supply structure through an existing coal tip within the western hillside.*

## **3. Impact assessment in respect of the local hydrogeology**

*This item has been addressed by the inclusion of Appendix E - Hydrogeology Report within the DBN, the objective of this supplementary report was too "Assess the potential for the likelihood of sub-surface flow towards the existing colliery spoil tips".*

*The key findings of the report included that the area was underlain by the 'Brithdir Member' (sedimentary bedrock, with no superficial deposits noted). The dip orientation of the 'Brithdir Rider' Coal Seam was noted by the British Geological Survey (BGS) to dip at 5 degrees towards the north east which is in the opposite direction to the coal tips on the western slope and based on cross sectional assessment that the depth of the Brithdir Rider is approximately 50m at the turbine locations supporting a continued dip direction 50m below ground towards the north east.*

*The turbine area has been identified outside of the 'Development High Risk Area' identified by the BGS, the report further outlines the risk of the existing geology upon the existing coal tips and confirms that the local hydrogeology and topography do not increase the risk of groundwater migration towards the tip structures.*

*Based on the information provided and the conclusion of the report it is considered acceptable that the risk of the coal tips has been assessed and*

*found to not be influenced by the hydrogeological regime or drainage arrangements identified to support the turbines and access tracks.*

#### **4. Conclusion**

*On review of the additional information provided the applicant has adhered to the majority of the items raised however, there is a concern in respect of the proposed drainage infrastructures 'pipe crossings' which are considered to be under capacity within catchment areas 4, 5 and 14 based on Table 1 within the DBN.*

*To mitigate this issue, a clarification has been issued to the applicant and design team to consider mitigation to resolve the limited capacity of the proposed crossings.*

*Once this final item is resolved, the FRM team would recommend that the application be approved in respect of the surface water drainage arrangements.*

### **APPENDIX 3 – Visual Impact Assessment of Application Ref. 15/1635/10**

#### ***Impact on the landscape character of the area and the impact on visual amenity.***

*Regarding this issue, Policy AW12 of the LDP, which deals with renewable energy development, states that small scale wind turbines will be permitted where it can be demonstrated that there would be no unacceptable effect on, amongst other matters, landscape importance.*

*In order to inform the consideration of this aspect of the scheme, the application is accompanied by a Landscape and Visual Assessment (LVA) for the proposed turbines. The assessment describes and evaluates the change to the landscape and visual amenity, and the extent to which these affect perception and views of the landscape, which would result from the proposed development.*

*The potential effects of likely landscape receptors and visual receptors are assessed within a study area of 10 km radius and for the assessment of cumulative effects with other wind turbine developments, a 10 km study area has also been used. A study area of 5km is used for the appraisal of the effects on landscape features and landscape character, however, the visual appraisal covers a radius of 10 km from the development and focuses on key representative viewpoints initially identified from the Zone of Theoretical Visibility (ZTV) and verified by site visits. These are illustrated with wire line drawings and photomontages.*

*The LVA identifies the methodology, including defining the extent of the study area and the detailed technical approach, which includes reference to various guidelines and a review of landscape designations from LANDMAP, which describes and evaluates aspects of the landscape and provides the basis of a consistent Wales-wide approach to landscape assessment. It also describes the existing landscape character of the site, as well as identifying landscape, nature conservation and cultural heritage designations at a national, regional and local level.*

*The LVA also identifies visual amenity receptors and their views. Views from settlements, individual residential properties and farms, country parks, recreational routes, national cycle routes, local public rights of way, bridleways and cycleways, open access areas, major and minor roads, including motorways and railway lines are assessed. The assessment then describes the magnitude of impact and the significance of effect on the existing landscape character and visual amenity receptors and their views as a result of the proposed development.*

*The LVA details the viewpoints which were identified to be representative of the range and type of views within the study area and various types of visual receptor. The Zone of Theoretical Visibility (ZTV) has been used to identify viewpoints from where the potential effects of the propose development may be considered and these were narrowed down to ten which represent residential visual receptor views, recreational routed and commuter visual receptor views.*

*Having reviewed the LVIA it is considered that the report is acceptable in taking into account all of the various issues associated with landscape and visual assessments.*

*A summary of the conclusions of each of the sections of the LVIA are set out as follows:*

### ***Landscape Character Assessment***

*It is accepted that the proposed turbine will introduce a new type of development into the local landscape although receptors will be familiar with this kind of development in the general area. The development has a very small footprint and the other elements which are component parts of the landscape (landform, pasture fields, field boundary hedges, tree cover etc) remain unchanged. It is therefore maintained that the landscape effects are very limited and it is the visual effects which have the potential to alter landscape character.*

*The retention of the existing physical characteristics and management regime (grazing) of the site mean that the landscape will be perceived as it is now except for the addition of the turbines. At the actual site this changes significantly with the introduction of tall vertical features but the proposed development's relationship with its wider landscape setting will determine the*

*capacity of the landscape to assimilate the development without significant harm to landscape character or not.*

*The assessment acknowledges that the landscape of the South Wales coalfield and particularly the Rhondda Valley's has been heavily modified by activities connected to mining activity which was at its peak between 1840 -1925 with the last of the pits, Lewis Merthyr just 1.7 km from the site, finally closing in the 1983. It is also maintained that the industrial heritage and history of modification related to the production of energy is likely to be reflected in receptors perception of landscape and landscape change, which affects the landscape character.*

*Whilst the magnitude of change on landscape character at the site is assessed as High, the assessment concludes that as the development has a finite lifespan and is removable with minimal reinstatement required, there is therefore no permanent change to the landscape of the site or its landscape character.*

#### *Landscape, Nature Conservation and Cultural Heritage Effects*

*The assessment identifies that there are no statutory designations including National Parks or Areas of Outstanding Natural Beauty that affect the site or are within the ZTVs.*

*Of the 6 Conservation Areas within the 5km radius study area, 4 are screened by landform from the site and the remaining 2 - Troedrihw-Trwyn just west of Pontypridd and St Gwynno Forest, have no significant views of the site due to intervening landform, development and trees. Whilst there are two Scheduled Ancient Monuments (SAM's) within the 5km study area (Carn-y-Wiwer Cairnfield and Platform Houses 1.13 km NW from the site and the ventilation furnace SAM at Trehafod), it is considered that the heritage value of the site is focussed on the immediate locality and therefore the effect of the development on the SAM is judged to be negligible.*

*In relation to the 26 Listed Buildings in the study area, whilst the effects have all been assessed, their architectural and / or historic value is not generally compromised by views of the proposed development adversely affecting their setting and overall, the effects on listed buildings therefore range from negligible to none.*

*With regard to nature conservation designations, there are no Special Areas of Conservation (SACs), only 3 Sites of Special Scientific Interest and 2 Local Nature Reserves within the study area, however any habitats and species would be unaffected by the development. It has also been concluded that the conservation value of Ancient Woodland sites within the study area is connected to their history and heritage and its nature conservation value as much as its contribution to the visual landscape and the effects are therefore negligible.*

#### *Historic Landscape Effects*

*The assessment identifies that the characteristics and assets described in Historic Landscape Character Area 030 Rhondda Uplands are widely distributed and are generally buried remains, however the footprint of the application site appears to contain no evidence of buried remains. Furthermore, interest in the historic elements of the landscape are generally related to the record of human activity they provide and the sensitivity of their visual setting is not generally significant. Any effects on the setting of known or unknown remains or of evidence of past cultural elements of the landscape is also not permanent and the effect on the historic landscape is therefore judged to be negligible.*

#### Recreation Routes and Sites Effects

*It is reported that there are 14 Public Rights of Way within 2km of the site and a further of public rights of way / recreational routes beyond this. The effects on these vary between none, for example those outside the ZTV, or with high hedges or other screening features, to a high magnitude of change for those close to the site. Users of those paths (Footpath 1 and Bridleway A) on the ridge plateau adjacent to the site will be moderately affected by the development where the turbines will be prominent, but elsewhere distance from the site mitigates these effects to slight to none. The Taff Trail long distance walking route follows the course of the River Taff in the adjacent valley however the intervening ridge ensures that there are no significant views of the development.*

*The 3 National Cycle Network routes within the study area also generally follow the river valleys however from all routes there are very few, and only glimpsed views of the development. The range of visual effects is therefore between slight to negligible to none for the majority of the routes.*

#### Landscape Character Area Effects

*Although the site sits within Landscape Character Area 37 - South Wales Valleys in the Landscape Character Map for Wales, the report identifies that Landscape Character Areas at this regional scale will not be affected by the proposed development as the densely settled valleys combined with existing infrastructure located on the high plateaux, mean that the proposed development is consistent with existing landscape character.*

#### **Conclusions of Landscape Character Assessment**

*The overall conclusions reached in assessing the Landscape Character effects is that the overall magnitude of change on landscape character would be high at the site, medium-low in the immediate vicinity of the site, and negligible within the rest of the study area. The effect of the development outside the study area and the magnitude of change on the Landscape Character Area 37 would be negligible-none and the overall degree of significance on landscape character would negligible.*



## **Visual Amenity Assessment**

*This section of the LVA addresses issues relating to potential degree of significance upon the visual amenity of the study area likely to result from the proposals. It describes and evaluates the potential change in views of the existing landscape during construction and once in operation, and the extent to which these affect residents, visitors and users of the landscape.*

*The assessment identifies that the key elements of the proposed development which may give rise to visual effects include the temporary infrastructure during the construction period as well as the wind turbines, control cabin and access tracks, however acknowledges that the effect on visual amenity during construction would be for a temporary duration and in the longer term, reversible. The localised nature of the effects will result in negligible effects on visual amenity overall during the construction phase of the project.*

### Assessment of Effects

*It is advised that the representative viewpoints were identified within the 10km overall study area and 8 key viewpoints were selected as being representative of different visual receptors. It is suggested that visual effects of the turbines are rapidly mitigated by distance from the site which brings the screening influences of landform, tree cover and other development into view and diminishes the visual presence of the development.*

*Whilst the closest settlements to the application site are Wattstown and Ynyshir approximately 0.7km to the west and Porth approximately 1km to the south-west, due to the proposed locations of the turbines, the main visual effects would be from residential areas on the western side of the valley.*

*The closest viewpoint to the site is represented by Viewpoint 5 Pleasant Heights, Porth at a distance of 1.52 km SW of nearest turbine. This viewpoint looks NE across the valley from an elevated residential location and represents residential receptors and recreational receptors using the public right of way and open access land west of the viewpoint. The assessment identifies that the proximity to the site and relative elevation of the viewpoint result in the turbines being prominent in the view across the valley where intervening development is lower down the valley sides and a less obvious part of the view. The principal windows of houses on Pleasant Heights will generally have a view of the development, however the magnitude of change in the view is judged to be medium, the sensitivity of receptors high and the degree of significance is assessed to be moderate.*

*The second nearest view point (Viewpoint 3) is Victoria Street, Wattstown at a distance of 1.74 km NW of nearest turbine. This represents a relatively close view of the development from a residential street looking south-east down Rhondda Fach. The assessment advises that the density of development in the valley and scarcity of development on the ridgetop plateau identifies the ridgetops as a separate landscape character type to the valley sides and valley bottoms and to an extent this mitigates the effects of the development*

*because receptors are looking at the area rather than sensing being within that character type. Other tall vertical features (masts) are visible and the magnitude of change in the view is therefore also judged to be medium, the sensitivity of receptors medium and the degree of significance is assessed to be moderate/slight.*

*Viewpoint 2 which is taken from Heol Mair, Penrhys at a distance of 3.80 km NW of nearest turbine is a view from open space within an outlying and elevated housing estate and represents residential receptors. The assessment identifies that views of the development from much of the estate are blocked by housing and are therefore intermittent. From this viewpoint in open space, the skyline has a horizontal emphasis and the proposed turbines are readily apparent on the ridge-top and distance mitigates the visual effects of the development in this large scale landscape. The magnitude of change in the view is therefore judged to be medium, the sensitivity of receptors medium and the degree of significance is assessed to be moderate / slight.*

*In two of the viewpoints provided, the magnitude of change is judged as low and the degree of significance is therefore assessed as being slight. These include Viewpoint 6, taken from Rhiwgarn, Trebanog at a distance of 3.13 km SW of nearest turbine which looks north-east across Porth to the site from an elevated residential location. This represents residential receptors and recreational receptors using the public rights of way and open access land on higher ground south and east of the viewpoint. The assessment identifies that the development is clearly apparent on the grazed plateau viewed across the valley over Porth, however distance reduces the scale of the turbines in this large scale landscape to some extent but the elevation of the viewpoint connects it to the upland site. The other viewpoint with a similar impact is Viewpoint 4, taken at the junction of Thomas Street and Gilfach Road, Penygraig at a distance of 4.28 km west of nearest turbine. This is a view east from a valley side residential street and represents residential and local commuter receptors. The assessment identifies that although the turbines are clearly visible on the skyline they are seen in the context of other vertical infrastructure on the ridgeline and also in the foreground where buildings and pole mounted low voltage overhead lines are visually dominant and distance from the site is also a mitigating factor.*

*The remaining viewpoints identify that the magnitude of change is judged to be low and the degree of significance negligible. The closest of these is Viewpoint 10, taken from a local access road near Pen-y-Wal Farm Pontypridd at a distance of 2.39 km east of the nearest turbine. This shows a view looking west from a rural road on the ridge containing the site and represents local commuter receptors. The assessment states that this is a narrow, single track road with high hedges and hedgerow trees either side and indicates that where a view can be found, it is likely to be temporary until the hedge increases in height. Furthermore, the single track road demands the concentration of drivers and other users of the lane reducing the sensitivity of receptors and whilst the development introduces a new feature into the view, it is in scale with the landscape.*

*These also include Viewpoint 1, taken from Brown Street, Ferndale at a distance of 4.94 km NW of nearest turbine which represents the view to the site from Ferndale and other settlements within the ZTV south down the Rhondda Fach. The viewpoint is taken within an urban location with housing development in the foreground, middle distance and in the distance higher up the valley sides. The assessment identifies that the enclosing landform of the valley sides contains the view with the proposed turbines partially visible above the skyline however, the distance from the viewpoint reduces the visual effects of the development.*

*Viewpoint 8 is taken from the access road to Pontypridd Golf Club at a distance of 5.28 km south-east of nearest turbine and represents local commuter and recreational receptors. The assessment identifies that the lower altitude of the viewpoint shows the greater influence of the development in the valley floor and on the valley sides in the view than VP7 from a higher altitude. At a similar distance of 5.39 km from the nearest turbine, Viewpoint 9 Brynderwen Road, Cilfynydd provides a view west of the site from Cilfynydd representing residential receptors. The assessment indicates that the viewpoint is in a busy suburban street where buildings and overhead low voltage lines dominate the foreground and distance and other development mitigate the visual effects of the proposal.*

*The final viewpoint is Viewpoint 7 is taken from Eglwysilan Road, Caerphilly at a distance of 6.52 km east of nearest turbine and is a more distant view west from a rural hill road at a similar altitude to the site, representing local commuter receptors and recreational receptors on the public right of way and open access land. The assessment indicates that this relatively distant viewpoint gives wide, long distance panoramic views where the emphasis of the view is more the open, undeveloped nature of the upland rather than being focussed on the development on the valley floors and sides. Furthermore, the proposed development is seen in the context of other wind farm developments in the view, but without them being a defining characteristic of the landscape. Again, distance and the relatively small scale of the development at just two turbines reduce the scale of the proposal relative to the large scale landscape and both the magnitude of change in the view and the degree of significance has been assessed as negligible.*

### **Conclusions of Visual Amenity Assessment**

*It is therefore concluded that the proposed wind turbines would introduce tall vertical elements into the landscape which would be regarded as a single feature from all but the closest viewpoints. From viewpoints close to the site, the turbines will be a prominent feature, but the scale of the development rapidly diminishes with distance to become assimilated into the large scale of the landscape. It has been identified that visual receptors close to the site are few other than occasional walkers/riders on the footpaths / bridleways adjacent and farm and forestry workers in the locality, which it is concluded, reduces the degree of significance overall. Furthermore, there are no recognised key sensitive views which might be adversely affected by the development. The highest value for the degree of significance from the*

*viewpoints is moderate at Viewpoint 5 from Pleasant Heights, a residential street above Porth directly across the valley from the site. This viewpoint and the range of values for the degree of significance is assessed between moderate to negligible and the overall assessment on the visual amenity across the range of viewpoints is judged as slight - negligible.*

### **Cumulative Landscape and Visual Assessment**

*The LVA also provides an assessment of the cumulative effects of the proposed wind turbines with existing wind turbines within the study area.*

*In relation to landscape character, it is judged that the introduction of large scale vertical elements to the site will have a high magnitude of change at the site, however this diminishes in scale with distance. It is also judged that the separation distance between the proposed development and other existing and proposed developments within the study area is sufficient that the current landscape character of 'a landscape with windfarms' is not changed to a 'windfarm landscape'. Therefore, the cumulative magnitude of change affecting landscape character is judged to be negligible.*

*In relation to visual amenity, it is judged that the dramatic landform of this landscape character type with steep sided, narrow valleys and extensive undulating plateaux create two distinct groups of viewpoint types. The first of these is those views looking along or up from the valleys to the valley sides and ridgetops and the second is the extensive panoramic views from the ridgetops. For the majority of visual receptors concentrated in the valley bottoms, the landform channels views and prevents wide panoramic views where cumulative effects of developments on ridges other than those containing the valley can be seen. From the ridgetops, the cumulative effects of other turbine sites and infrastructure is more apparent, but to far fewer receptors and at greater distances in a very large scale landscape and the cumulative magnitude of change affecting visual amenity is again judged to be negligible.*

*In respect of the cumulative effects from viewpoints, it is advised that only viewpoints in elevated locations have any capacity for significant cumulative effects. These include Viewpoint 7 (Eglwysilan Road, Caerphilly) where the panoramic view results in cumulative effects from a number of existing and proposed developments. The assessment identifies that the Bryntail Farm development (2 no. at 71m) would be in the immediate foreground at the viewpoint, Ferndale (8 no at 74 m), Fforch Nest / Pant y Wal (21 no. at 115 m) and Mynnydd Pen-y-Graig (5 no. at 115m) would all be in the same view. However, the wide spread of these locations in the view and significantly the distance from the viewpoint for the two larger windfarms at Ferndale and Fforch Nest/Pant-y-Wal reduces cumulative effects and the magnitude of change and the degree of significance is therefore judged to be negligible.*

*The other viewpoint is Viewpoint 8, however being closer to the site the angle of view reduces the number of locations visible with Ferndale being in the middle and far distance respectively. The magnitude of change in the view is*

*therefore judged to be low and the degree of significance is assessed to be negligible.*

*The assessment identifies that whilst sequential visibility of wind turbine installations may be experienced whilst moving through the landscape for example on roads, cycling and walking routes, the high incidence of intervening landform and their wide spread in the upland plateaux landscape means that this is judged as negligible with the addition of these two wind turbines.*

### **Conclusion of Cumulative Effects**

*The LVA therefore concludes that the cumulative effects on landscape character would be low-negligible and the cumulative effects on visual amenity and sequential visibility would both be negligible.*

### **Other Issues taken into account in assessing landscape character and visual amenity.**

#### **Effect on the Historic Landscape**

*The application site is located within the Rhondda Registered Landscape of Historic Interest published by Cadw. Guidance produced by Cadw identifies the need to assess the potential effects of a development in relation to the whole of the historic landscape and advises that development can have an adverse effect on the amenity and value of the landscape well beyond the site of the development itself.*

*The register refers to the pre-industrial archaeology of the Rhondda and its historic sites and remains surviving on the ridges between the valleys and also describes how material changes in the landscape took place during the second half of the 19<sup>th</sup> century in order to accommodate new industries and their associated communities.*

*The site's designation within the historic landscape is addressed in the application through the LVA, where it is suggested that the characteristics and assets are widely distributed and generally consist of buried remains. As the site appears to contain no buried remains, it is maintained that the temporary nature of the development means that the effect on the historic landscape are negligible.*

*In addition to the issue of any remaining historic features, which is addressed in the section on Cultural Heritage below, it is also acknowledged that the physical impact of the 2 turbines may have some impact on the historic landscape and this is also an issue that has been raised in a number of the public representations received. Whilst the concerns raised in respect of the valley being transformed since the mine enclosures are understood and it is accepted that the turbines would form a new visible feature, it is not considered that the two turbines will be so prominent to cause detriment to the historic landscape that has been identified by Cadw. Furthermore, the*

*guidance identifies that landscapes must inevitably evolve to meet the needs of the people living in them and whilst the mining and industrial landscape has significantly changed in the Rhondda, the valley is still however considered to epitomize a South Wales mining community. As the applicant has identified, the footprint of the proposed development is not significant and the scheme is only for a temporary period. It would also appear from the visual information submitted that from many of the surrounding locations, only partial view of the turbines can be seen and it is not therefore considered that this will have an adverse impact on the historic landscape.*

### **Effect on the Visual Amenity of Residents**

*The impact of this development on the visual amenity of the area and in particular, the impact on existing views that residents have from their properties has been the subject of many of the objections that have been received against the development. In considering the information submitted relating to visual amenity issues, consideration has been given to specific points raised by residents, including views across the valley, particularly from parts of Porth and Ynyshir. In response to the objections received, the applicant has provided additional visual information taken from a number of locations including Victory Avenue (Mount Pleasant), Bryngwyn Street, Pleasant Heights, Upper Gynor Place, Gynor Place and Ynyshir Road. These images indicate that whilst the two turbines will be visible from all of these locations, in most cases, only the upper sections of the turbines will be visible. Whilst it is therefore accepted that both turbines will form a new visible feature, most of these locations are over 1km distance from the turbines and it is not therefore considered that these structures will have a detrimental impact on their visual amenities.*

*In summary, it is acknowledged that the proposed wind turbines would add additional vertical elements to the existing landscape, which is already influenced by other vertical elements including wind turbines and pylons. The proposed wind turbines would not affect the majority of the landscape character areas, landscape relevant designations or visual amenity receptors. The effect of the turbines on the landscape character is identified as high at the site, as would be expected and this reduces to medium-low in the immediate vicinity and negligible elsewhere. Their effect on visual amenity receptors would at worst, have moderate effects and in the majority of cases, have been assessed as slight-negligible.*

*Overall, any potential adverse effects need to be balanced against the benefits of clean energy, and in this case, on balance, it is considered that the benefits outweigh the effects and the proposal complies with the provisions of Policies AW6 and AW12 of the LDP and Para 12.10.1 of Planning Policy Wales.*

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
23<sup>rd</sup> NOVEMBER 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

**Agenda Item No. ....**

**APPLICATION NO:23/0712/10 – Proposed  
change the use of the property into a  
Children's Residential Home, 142 Kenry  
Street, Tonypany, CF40 1DD**

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

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

## **2. RECOMMENDATION**

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

## **3. BACKGROUND**

This application was reported to 19<sup>th</sup> October 2023 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as Appendix A. At the meeting Members were minded to refuse the application against officer recommendation. Members considered that the application property and location of the development was inappropriate with a lack of parking provision and lacked outdoor amenity space for future occupiers. Consequently, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

## **4. PLANNING ASSESSMENT**

The officer considerations regarding the proposed development are outlined in the original report, however, a brief summary is provided below:

The application seeks consent for the conversion of an existing residential dwelling to a children's residential care home at 142 Kenry Street, Tonypany.

The site is situated within the settlement boundary limits of Tonypany, in a predominantly residential area. The application site has good access to key services and facilities, being located within walking distance of both bus routes and a train station and is within walking distance of other facilities and local amenities. The application site is therefore considered to be in a sustainable location and the principle of providing a children's care home at this location is considered acceptable.

No external alterations are proposed, and it is not considered that the proposed development would adversely impact upon the privacy of neighbouring occupiers or result in harmful levels of noise and disturbance.

The application site is also considered to be of a sufficient scale, with reasonable levels of outlook provided and an area of outdoor amenity space provided to the rear. Consequently, it is considered that the development proposal would provide adequate space for future occupiers living needs both inside and out.

Finally, the Transportation Section considered that, in line with the Council's Access, Circulation and Parking Requirements Supplementary Planning Guidance (SPG), the increase in parking demand at the site would be minimal and given the sustainable location of the site, adequate parking provision would be provided.

Notwithstanding the above, Members were concerned with a lack of parking provision at the application site and considered that the children's home would represent a commercial operation with a lot of staff required. In this respect it is acknowledged that the property is located on a busy, narrow residential street where a high level of on-street parking occurs. The development could therefore be considered unacceptable in respect of a lack of adequate parking provision which would generate further demand for on street parking in the vicinity of the site and could therefore potentially impact upon highway safety, the free flow of traffic and the amenity of neighbouring occupiers.

With regard amenity space for future occupiers, Members considered that the application site lacked sufficient outdoor amenity space for the proposed use as a children's residential home. Policy AW5 of the Local Development Plan (LDP) sets out that all proposals must contribute towards creating quality places and, while some amenity space would be provided, it could be considered too small for the small number of residents proposed and therefore unacceptable in terms of the children's general living standards/needs. The application could therefore be considered unacceptable in these terms.

Finally, Members considered that the general location of the site was inappropriate for a children's home. However, it should be noted that the area is predominantly residential in nature, which, as outlined in the original report, was considered acceptable by officers. Furthermore, all social care homes in Wales must comply with the Regulations and Inspection of Social Care Act (Wales) RISCA and must comply with these regulations to be registered with Care Inspectorate Wales (CIW) to provide residential care provision. Care Inspectorate Wales would also therefore be the ultimate arbiter of whether this is an acceptable location to register a children's home. Nevertheless, as set out within the original report, recent discussions with CIW did highlight the potential for there to be a policy vacuum where some obvious and legitimate concerns brought forward by the Police or the Council's care professionals may, seemingly, fall through a gap (are not necessarily material planning considerations or covered by CIW). As such Committee is advised that, where legitimate land-use considerations exist, and are not covered by another regulatory body, it is open to the decision maker to decide what weight should be afforded to any material planning consideration when determining an application.



Notwithstanding the above, should Members be minded to refuse permission, then the following reasons are considered reflective of the concerns raised.

## **5. RECOMMENDATION**

If, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reasons for refusal would be appropriate:

1. The proposed change of use to a children's residential care home is considered to be an inappropriate conversion of the property that would lack sufficient outdoor amenity space and internal facilities to serve the proposed use to the detriment of future occupiers of the property. As such the proposal is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposal would lack adequate car parking provision for the proposed use resulting in the creation of a high demand for on-street parking in the vicinity of the site, to the detriment of highway safety, the free flow of traffic and the amenity of neighbouring occupiers contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**19 October 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0712/10 (JE)  
**APPLICANT:** Lolly Support Services  
**DEVELOPMENT:** Proposed change the use of the property into a Children's Residential Home.  
**LOCATION:** 142 KENRY STREET, TONYPANDY, CF40 1DD  
**DATE REGISTERED:** 07/07/2023  
**ELECTORAL DIVISION:** Tonypandy

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**RECOMMENDATION: APPROVE**

**REASONS:** The application site is in a predominantly residential area and a highly sustainable location with good access to public transport and key services and facilities, which is considered acceptable. The site also relates to an existing residential property and, other than an element of care and the presence of a small number of staff, the proposed use would continue to be residential in nature.

Furthermore, the proposal would not involve external alterations and would not impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties. Nor would it have any adverse impact upon highway safety in the vicinity of the site.

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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 conversion of an existing residential dwelling (Use Class C3) to a residential Children's Home (Use Class C2) at 142 Kenry Street, Tonypandy.

The proposal would be facilitated through internal conversion of the property only with no external works or enlargement of the property proposed. The proposal would see the following layout:

Ground Floor

- 1no. Bedroom
- Living Room
- Kitchen

- Bathroom
- Cloak Room

#### First Floor

- 2no. Bedrooms
- Office/sleep room

Externally, the property benefits from an outdoor amenity space and a detached garage to the rear.

The supporting information notes that the care home would have a maximum capacity of 3no. residents. When the home is fully occupied, the staffing ratio throughout the day would be 1no. manager, 1no. duty manager, 1no. shift lead/ senior and 2no. residential care workers. Overnight, there would be 2no. night staff with a senior or support worker on sleep and 1no. on a waking shift.

### **SITE APPRAISAL**

The application property relates to a traditional mid terrace dwelling located within a residential area of Tonpandy. To the front the property is set back and elevated from the highway at Kenry Street with a small area of amenity and steps providing access to the property. To the rear of the property is area of amenity space which is enclosed on both side elevations by neighbouring properties and an access lane to the rear. The amenity space increases in level to the rear with the access lane at approximately first floor level of the property. The amenity space also accommodates a detached garage towards its rear boundary.

The area surrounding the site is residential in nature and is characterised by traditional terraced properties.

### **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 9 letters of objection which include the names of 11 local occupiers have been received following consultation. The points raised have been summarised below:

- Residential location is not suitable for the proposed use.
- Existing parking problems along Kenry Street would be made worse by the proposed change of use in particular during shift overlap and change over periods.
- Proposal will push parking resources to unacceptable levels.
- Work has commenced at the property and sprinklers have already been installed.
- Proposed use will cause unnecessary stress and anxiety to neighbouring occupiers.

- Application will affect elderly neighbours living nearby with families and young children.
- Concerns associated with works undertaken though the installation of water tanks and the sprinkler system which could cause structural damage.
- Concerns that decision has been made prior to the submission of the application.
- Risk of noise pollution due to the social situation. Many children in the category "complex needs" will have a history of antisocial behaviour. The staff will have very limited powers to intervene. The result could be shouting, screaming, banging doors, etc. at a time when most people will be trying to sleep. As such, application will need proper monitoring of noise levels.
- Lack of information on the applicant 'Lolly Support Services' which appear to be a newly formed company. Concerns associated with need to ensure that they possess the necessary expertise to operate the proposal.
- Concerns associated with anti-social behaviour that may be created by future occupiers.
- Loss of property values in area.
- Corporate businesses should not be allowed to purchase a property within a residential street as this results in a loss of housing supply for local residents.

## **CONSULTATION**

**Transportation Section:** No objection, condition recommended.

**Public Health and Protection:** No objection raised.

**South Wales Police:** No objection, condition recommended for the submission of a Management Plan.

**Welsh Water:** No objection, advice provided in respect of foul water drainage.

**Community and Childcare Services:** Objection raised.

## **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 Tonypany and but is not allocated for any specific purpose.

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

**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 the criteria for new development in relation to amenity and accessibility.

**Policy AW6** – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

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

**Policy AW10** – Does not permit proposals where they 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.

#### 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) 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 change of use of an existing residential dwelling (Use Class C3) to a residential care home for up to 3 children (Use Class C2).

The site is situated within the settlement boundary limits of Tonypandy, in a predominantly residential area of the town where it would not conflict with surrounding uses. Further, the site has good access to key services and facilities being within walking distance of Tonypandy town centre which benefits from bus and train connections, and can therefore be considered a highly sustainable location.

The principle of providing a care home at this location is therefore considered acceptable, subject to other normal planning considerations which are discussed in the following sections.

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

The proposal would not result in any external alterations to the property. The character and appearance of the property would therefore remain as existing. Furthermore, the provision of a children's care home in a predominantly residential area would not be considered to alter or harm the general character of the area.

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

The proposal would not result in any external alterations to the property and as such, it is not considered that the proposed development would result in any physical detrimental to the amenities or privacy of neighbouring occupiers.

Furthermore, other than the element of care and the presence of staff, it is considered that the proposed residential care home, with a maximum number of 3 children, would be of a limited scale and would generally exhibit similar residential characteristics as that of the existing residential dwelling. Consequently, it is not considered that the use would result in harmful levels of noise and disturbance. As such, any potential impact upon surrounding properties would be limited in this regard.

Whilst concerns have been raised with regards to the location of the proposed care home for children, the area is predominantly residential with the property surrounded by other similar resident units. The provision of a care home for children in such an area and such a sustainable location with access to key facilities is considered the most appropriate site for this type of use.

The application site is also considered of a sufficient scale, with reasonable levels of outlook provided for occupants and an area of outdoor amenity space provided to the rear. Consequently, it is considered that the development proposal would provide adequate space for future occupant's living needs both inside and out.

### **Highway Safety and Parking Provision**

The Council's Transportation Section were notified during the consultation process in order to provide comments on the suitability of the proposal with regard to highway safety and parking provision. Whilst the recent decisions by Committee for similar uses where lack of parking formed a reason for refusal were recognised. No objection was raised to the use proposed in this instance with the following response received:

#### Access

The property is served off Kenry Street which has high on-street parking demand with 1.7m footways and a 7.4m carriageway. There is a garage to the rear of the site which is served off a 3m wide adopted lane accessible via an unnamed road to the side of No. 144 Kenry Street or from Gelli Road.

#### Parking

The applicant states within the supporting statement that no physical alterations to the property are proposed and that the internal layout of the property will remain as existing. The existing use of a 3-bedroom residential dwelling has a parking requirement of 3 spaces in accordance with SPG: Access, Circulation & Parking Requirements 2011 with only 1 provided in the rear garage.

The applicant proposes 9 full-time staff as part of the proposed change of use with a maximum of 5 staff working at any one time. The proposed change of use to a residential children's home has an operational requirement of 1 space per resident staff, 1 space per 3 non-resident staff and a non-operational requirement of 1 space per 4 beds. Therefore, the proposed has a parking requirement of 3 spaces in

accordance with the previously mentioned SPG with only 1 provided in the rear garage, the same as the current use as a domestic family home.

It is noted that there is potential for increased car parking demand when staff rotate during hand over. However, this will be for short durations and is not accounted for in the Council's SPG.

The applicant has submitted additional information stating that staff would be encouraged to use the local public car park and walk to the property some 220m away which is considered a reasonable walking distance. Whilst this gesture is noted, there would be no control in place to ensure this occurs and a condition to secure this approach would not be meet the required tests.

### Highway Safety Conclusion

The proposed is located in a sustainable location. In accordance with the Council's SPG the existing C3 use proposed C2 use require the same off-street car parking provision. There is potential that the demand will be increased for short durations when staff hand over, but as this is not accounted for in the adopted SPG no highway objection is raised.

### **Community and Children's Services**

Consultation was undertaken with the Council's Community and Childcare Services Department, who have raised significant concerns with the scheme and have formally objected to the planning application.

In their response the Children's Services team noted that best practice in terms of establishing new care homes strongly supports that a location assessment is carried out ahead of establishing a new children's home. This is deemed necessary to match new development with local need and to seek Local Authority and Police views about the suitability of the site before commencing. Furthermore, it is noted that a location assessment is important from the point of view of safeguarding and crime prevention, particularly linked to safeguarding young people from criminal exploitation; and this case, such an assessment has not been carried out.

Further points raised by the Children's Services team include:

- (i) There is a shortage of supply of experienced, high quality, proportionately priced residential care in RCT.
- (i) Location assessment has not been carried out properly alongside Children's Services.
- (i) Until recently, there has been a lack of consideration about community impact and the need to co-plan alongside Children's Services.
- (i) By their own admission the organisation is not experienced in providing residential care. This is a concern when considering the context of need.
- (ii) The costing schedule includes costs that the public purse is unlikely to be able to sustain.
- (i) The provider has no plans for transition to not for profit after a change of law due on 31/3/27 which will restrict such care homes to operate on a not



for profit basis. This could have significant implications for the Council and its services at that stage.

Children's Services also noted that all social care homes in Wales must comply with the Regulations and Inspections of Social Care Act (Wales) (RISCA) in order to be registered with Care Inspectorate Wales (CIW). If they do not comply and cannot gain registration with CIW they cannot provide residential care in this form. As part of this process applicants need to provide a location assessment, statement of purpose, and policies in relation to the provision of care and support, along with other relevant information.

In light of the above, during the application process colleagues within the Children's Services team undertook a visit to the property to assess its suitability to become a registered children's home. Following the visit, they commented that there are a number of areas where the proposal is not considered to comply with the RISCA requirements. These are in relation to Part 12 of the RISCA regs and associated with sitting/recreation/dining space, private space, bathroom facilities, external space and staff facilities. As such, they set out that while the home has been refurbished to a good specification, it is not suitable in terms of size or location. Further, a statement of purpose submitted to CIW was for up to 3 young people which in Children's Services opinion, is not feasible in such a small home.

While the above comments received from Children's Services are noted and have been fully considered, the nature of their concerns and objections are not considered to be material planning considerations, instead issues that are controlled by other legislation and bodies outside of the remit of planning, i.e. the Regulations and Inspection of Social Care Act (Wales), the Care Inspectorate Wales and Children's Services themselves. It is only the land use planning issues that can be taken into account when determining this planning application. With regard the amenity of future residents, with no change to internal/external layout which could be occupied by a family with 3 children, in planning terms, the property is generally considered acceptable.

#### The Role of Care Inspectorate Wales in the Decision-Making Process.

Following recent concerns/decisions made by Committee in respect of children's care homes, a discussion was held with CIW to establish the degree of any overlap in the regulatory process and to ensure that any decision made through one process would not cut across or hinder the other regulatory body's ability to assess any proposal thoroughly (having regard to all issues raised).

Discussions seemed to suggest that obtaining Planning consent (either before or after consideration by CIW) was not a formal requirement. Clearly, Planning consent (where required) would need to be obtained but it was not a prerequisite of the CIW process. Obtaining Building Regulation consent, however, was.

In addition, CIW would fully consider and regulate the *operation* of the proposed use at a given property however (and perhaps more fundamentally from Committee's perspective) would not be able to consider whether the property was in the "right location" taking into consideration any comments made by the Council's Children's Services Team or the Police. It would seem that their remit extends to considering the operational requirements of the property put forward to them for regulation.

Similarly, no consideration can be given to issues such as the amount of garden area that is available for amenity nor the amount of car/vehicle parking spaces that a particular proposal will generate. Proximity to a public park or children's play area was also not a consideration. Neither was a property's proximity to a busy road, a public house, or schools, shops, public transport, etc.

Committee is advised that none of the above are intended as a criticism of the CIW regulatory process as they did clearly explain what can be taken into account and highlighted the post-regulatory inspections that are intended to ensure that the operation of the care facility continues to meet the appropriate standards. CIW also explained that there is an appeal process (if they refused a scheme) where any tribunal could only examine any issue that is specifically set out in the regulations (they cannot take into account anything that is not clearly within the remit of their legislation).

What the discussion did highlight was the potential for there to be a policy vacuum where some obvious and legitimate concerns but forward by the Police or the Council's care professionals may, seemingly, fall through a gap (are not necessarily material Planning considerations or covered by CIW).

Committee is advised that, where legitimate land-use considerations exist (and are not covered by another regulatory body) it is open to the decision maker to decide what weight should be afforded to any material Planning consideration when determining an application. However, as always, balance and proportion to any individual issue is a key feature in reaching a decision.

It is hoped that the discussions held with CIW helps to clarify the roles of the two respective regulatory bodies.

#### **Other Issues raised by the objectors**

The objectors raised concerns associated with the ability of a private company to purchase a residential home and the impact of the proposal upon future property values. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the determination of this application.

With regard the comments that works have already commenced, Members are advised that internal refurbishment works and the installation of sprinkler systems do not require planning permission. Furthermore, the proposed use as children's car home has not yet commenced. As such, there is no breach.

With regard the comments that the applicant appears to be a newly formed company with limited experience in this field, while this point is noted, this is not a material planning consideration and would be addressed in any future registration with CIW as set out above.

#### **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 site is in a predominantly residential area and highly a sustainable location with good access to public transport and key services and facilities, which is considered acceptable. The site also relates to an existing residential property and, other than an element of care and the presence of a small number of staff, the proposed use would continue to be residential in nature. Furthermore, the proposal would not involve external alterations and would not impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties. Nor would it have any adverse impact upon highway safety in the vicinity of the site.

## 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

- Floor Plans – received 04/08/23
- Site Location Plan – received 07/07/23

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 premises shall only be used as a regulated children's home and for no other purpose; including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. When the use hereby approved ceases, the premise shall revert back to its original Class C3 use.

Reason: In the interest of residential amenity and highway safety, in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the commencement of the use hereby approved, 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.

5. Within 3 months of the date of this consent, a scheme for biodiversity enhancement measures shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.

## PLANNING & DEVELOPMENT COMMITTEE

23 NOVEMBER 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 30/10/2023 – 10/11/2023

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**

**23 NOVEMBER 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:** 23/0550  
**APPEAL REF:** CAS-02990-L1F0V3  
**APPLICANT:** Mr Peacock  
**DEVELOPMENT:** Retrospective application for decking  
**LOCATION:** 29 PARK VIEW, ABERCYNON, MOUNTAIN ASH, CF45  
4TP  
**APPEAL RECEIVED:** 26/09/2023  
**APPEAL START DATE:** 02/11/2023

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**30/10/2023 and 10/11/2023**

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**Cwmbach**

**20/0809/10** Decision Date: 01/11/2023

**Proposal:** Wooden gazebo in garden.

**Location:** 16 PANT Y CADNO, CWMBACH, ABERDARE, CF44 0BY

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**Tonypandy**

**23/0732/10** Decision Date: 01/11/2023

**Proposal:** Proposed two storey rear extension and raised decking.

**Location:** 2 GLEN VIEW STREET, TONYPANDY, CF40 2AX

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**23/0991/10** Decision Date: 09/11/2023

**Proposal:** Conversion of garage to kitchen

**Location:** 70 PARC GELLIFAELOG, TONYPANDY, CF40 1DU

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**Abercynon**

**23/0931/10** Decision Date: 06/11/2023

**Proposal:** Change of use from Class D2 (gymnasium) to Class B1 (Offices/light industry) / B2 (general industrial) / B8 (storage and distribution).

**Location:** UNIT 7 AND 8, PONTCYNON INDUSTRIAL ESTATE, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4EP

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**Aberdare East**

**23/0954/10** Decision Date: 02/11/2023

**Proposal:** Proposed sub-division of a commercial property into two separate units for A1 and A3 use.

**Location:** 26 VICTORIA SQUARE, ABERDARE, CF44 7LB

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**Aberdare West and Llwydcoed**

**23/0999/10** Decision Date: 01/11/2023

**Proposal:** Single storey flat roof extension to rear

**Location:** 60 TAN Y BRYN GARDENS, LLWYDCOED, ABERDARE, CF44 0TQ

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**23/1042/10** Decision Date: 07/11/2023

**Proposal:** Proposed two storey side extension

**Location:** 31 MAESGWYN, CWMDARE, ABERDARE, CF44 8TD

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**Beddau and Tyn-y-nant**

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**30/10/2023 and 10/11/2023**

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**Beddau and Tyn-y-nant**

**23/0454/10** Decision Date: 08/11/2023  
**Proposal:** Extension of garden curtilage onto adjoining land and construction of new boundary wall.  
**Location:** 27 WILLOW CLOSE, BEDDAU, PONTYPRIDD, CF38 2SJ

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**Brynna and Llanharan**

**23/0825/10** Decision Date: 31/10/2023  
**Proposal:** Rear kitchen extension at ground level and rear extension at first floor level  
**Location:** 5 DANYGRAIG ROAD, LLANHARAN, PONTYCLUN, CF72 9NX

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**23/1167/09** Decision Date: 01/11/2023  
**Proposal:** Rear single storey extension.  
**Location:** 9 CHURCH STREET, BRYNNA, PONTYCLUN, CF72 9QP

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**Church Village**

**23/1041/10** Decision Date: 06/11/2023  
**Proposal:** First floor side extension  
**Location:** 6 LLANERCH GOED, LLANTWIT FARDRE, PONTYPRIDD, CF38 2TB

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**23/1073/19** Decision Date: 09/11/2023  
**Proposal:** T1 Oak - Remove minor deadwood & stubs. Crown Lift to provide 5m clearance to first foliage from ground.  
T2 Common Alder - Remove minor deadwood & reduce lateral limbs to provide 3m clearance of buildings.  
**Location:** 30 LON Y CADNO, CHURCH VILLAGE, PONTYPRIDD, CF38 2BQ

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**23/1107/10** Decision Date: 09/11/2023  
**Proposal:** Installation of detached purpose built GRP outbuilding to house sprinkler system water tank and pump gear.  
**Location:** SUMMERDALE CLOSE, DOLGELLAU AVENUE, TONTEG, CF38 1LG

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**23/1123/10** Decision Date: 10/11/2023  
**Proposal:** Two storey side extension  
**Location:** 20 BARNARD WAY, CHURCH VILLAGE, PONTYPRIDD, CF38 1DQ

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**Cwmbach**

**23/1026/09** Decision Date: 30/10/2023  
**Proposal:** Certificate of Lawful development for proposed extension  
**Location:** 1 GOWER ROAD, CWM-BACH, ABERDARE, CF44 0LE

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
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**Cwmbach**

**23/1061/10** Decision Date: 09/11/2023  
**Proposal:** Double-storey side extension in place of garage, balconies to the front of the property.  
**Location:** TYR BERLLAN, BRYNGOLWIG, CWM-BACH, ABERDARE, CF44 0DA

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**Ferndale and Maerdy**

**23/0680/10** Decision Date: 02/11/2023  
**Proposal:** Change of use for existing High Street shop which is currently vacant to a fast food outlet  
**Location:** SHOP, 36 HIGH STREET, FERNDALE, CF43 4RH

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**23/1178/10** Decision Date: 10/11/2023  
**Proposal:** Single storey rear extension  
**Location:** 21 BRYNGOLEU CRESCENT, FERNDALE, CF43 4LT

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**Graig and Pontypridd West**

**23/1023/10** Decision Date: 30/10/2023  
**Proposal:** Retention and completion of single storey rear extension.  
**Location:** 135 HOPKINSTOWN ROAD, HOPKINSTOWN, PONTYPRIDD, CF37 2PT

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**23/1028/10** Decision Date: 30/10/2023  
**Proposal:** Proposed single storey extension  
**Location:** 34 LANDRAW ROAD, MAES-Y-COED, PONTYPRIDD, CF37 1EU

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**23/1057/01** Decision Date: 02/11/2023  
**Proposal:** 3000mm high x 6000mm wide fixed page LED signage board (industry standard size) with 2000mm high powder coated supporting steel subframe.  
**Location:** JOBCENTRE PLUS, OLDWAY HOUSE, BROADWAY, PONTYPRIDD, CF37 4SP

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**Hawthorn and Lower Rhydfelen**

**23/0986/10** Decision Date: 10/11/2023  
**Proposal:** Change of use to D2 leisure to enable expansion of Gymnastics Club.  
**Location:** WAREHOUSE E30, UNIT 27 AND 28 JR BUSINESS CENTRE, MAIN AVENUE, TREForest INDUSTRIAL ESTATE, NANTGARW

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**Hirwaun, Penderyn and Rhigos**

**23/0124/10** Decision Date: 07/11/2023  
**Proposal:** Single storey lean-to extension to side, flat roof rear extension, attic conversion and retention of garden curtilage extension on Western side  
**Location:** 1 MEADOW LANE, HIRWAUN, ABERDARE, CF44 9PU

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**Hirwaun, Penderyn and Rhigos**

**23/1030/10** Decision Date: 10/11/2023  
**Proposal:** Two storey rear extension (Amended plans received 29/09/2023)  
**Location:** 37 BRECON ROAD, HIRWAUN, ABERDARE, CF44 9ND

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**Llanharry**

**23/1060/10** Decision Date: 10/11/2023  
**Proposal:** Single storey side extension  
**Location:** BRYNTEG THE MEADOW, LLANHARAN ROAD, LLANHARRY, PONTYCLUN, CF72 9LZ

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**Llantrisant and Talbot Green**

**23/0942/10** Decision Date: 04/11/2023  
**Proposal:** Demolish and replace car port and construct new boundary wall & wooden gates.  
**Location:** THE OLD LIBRARY, 14 HIGH STREET, LLANTRISANT, PONTYCLUN, CF72 8BQ

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**Pontyclun Central**

**23/1045/10** Decision Date: 09/11/2023  
**Proposal:** Attic conversion raising the ridge line and eaves, windows to new gables and sky lights  
**Location:** 33 MANOR HILL, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8JP

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**23/1086/10** Decision Date: 10/11/2023  
**Proposal:** Purpose made detached Glass Reinforced Plastic outhouse to house water tank and pump gear for the fire sprinkler system (Part retrospective)  
**Location:** DAVIDS COURT, PONTYCLUN, TALBOT GREEN, CF72 9AY

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**Porth**

**23/1066/10** Decision Date: 08/11/2023  
**Proposal:** Change of use from A1 (licence) Tea Room to an A3 (licence) Tea Room - with hot food  
**Location:** 56 HANNAH STREET, PORTH, CF39 9RA

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**Ton-teg**

**23/0656/10** Decision Date: 10/11/2023  
**Proposal:** Creation of charging zone, erection of EV chargers, erection of canopy, sub-station enclosure and associated forecourt works (Amended proposed site layout plan received 10/10/2023).  
**Location:** ESSO PETROL STATION, TONTEG ROAD, TREForest INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5UA

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**Tonyrefail West**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
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**Tonyrefail West**

**23/1076/15**

Decision Date: 30/10/2023

**Proposal:**

Variation of condition 3 (hours of delivery) of planning permission 23/0842/10

**Location:**

UNIT A , PARC EIRIN, TONYREFAIL, PORTH, CF39 8WA

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**Ystrad**

**23/0920/15**

Decision Date: 30/10/2023

**Proposal:**

The removal of the conditions 1. Gates welded shut, and 2. Dropped kerb of application reference 16/1158/10

**Location:**

49 PENRHYS ROAD, YSTRAD, PENTRE, CF41 7SJ

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Total Number of Delegated decisions is 32

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Report for Development Control Planning Committee

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Cymer

22/0775/10

Decision Date: 08/11/2023

**Proposal:** Change of use from dog kennels to residential dwelling (Amended site plan and layout plan received 09/10/23)

**Location:** GLEN VIEW, MOUNT PLEASANT, TREHAFOD, PONTYPRIDD, CF37 2NU

**Reason: 1** The application property is located outside of the settlement boundary where applications for residential development in unsustainable locations are not supported by national and local planning policy, unless in exceptional circumstances.

No evidence has been provided to demonstrate it would be unviable to retain the existing kennel building for its current purpose; furthermore, that which is proposed to be converted is considered to be neither of architectural nor historical merit.

Therefore, the development would not comply with PPW11 or Policies CS2, AW2, AW9 or SSA13 of the Rhondda Cynon Taf Local Development Plan.

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Treherbert

23/0975/10

Decision Date: 31/10/2023

**Proposal:** Detached garage

**Location:** LAND ADJACENT TO 14 BLAEN-Y-CWM ROAD, BLAEN-CWM, TREORCHY, CF42 5DG

**Reason: 1** The location of the garage would represent an incongruous feature within the street-scene, inconsistent with the established building-line, contrary to the existing pattern of development affecting the principal views of adjoining dwellings and therefore detrimental to the visual amenity of the area. The development would therefore be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan, and the Council's Design and Placemaking SPG.

**Reason: 2** In the absence of a Coal Mining Risk Assessment, insufficient information has been submitted to demonstrate that the risks and consequences associated with ground stability of the application site can be adequately managed. As such, the proposal conflicts with Policies AW10 of the Rhondda Cynon Taf Local Development Plan

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Total Number of Delegated decisions is 2

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