



**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  
2 Llys Cadwyn  
Taff Street  
Pontypridd  
CF37 4TH

Meeting Contact: Jess Daniel - Democratic Services (07385401877)

A hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held at the **Council Chamber, 2 Llys Cadwyn, Taff Street, Pontypridd, CF37 4TH** on **THURSDAY, 25TH APRIL, 2024** at **3.00 PM**.

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, 23 APRIL 2024, 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 21.03.24**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 21.03.24.

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

### **5. APPLICATION NO: 22/0982**

New cattery and dog kennels (Environmental noise assessment received 10/01/2023) (Review of Clear Acoustic Design Ltd report received 15/03/2023).

**TREDEGAIN FARM, PENYCOEDCAE ROAD, PENYCOEDCAE, PONTYPRIDD, CF37 1PU**

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### **6. APPLICATION NO: 22/1149**

Construction of aggregates recovery facility. (Amended PEA, updated and additional drawings and sections, Air Quality Assessment received 4th May 2023, Revised Transport Assessment and Air Quality Addendum received 28th September 2023, Updated Noise Assessment received 14th December 2023. Green Infrastructure Statement and Updated Ecological Management Plan received 5th February 2023).

**FFOREST WOOD QUARRY, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9XD**

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**7. APPLICATION NO: 23/0719**

Renovation of an existing Commercial fire-damaged building into 6 apartments and 2 smaller Commercial spaces.

**4-5 MARKET STREET, ABERDARE, CF44 7DY**

**77 - 92**

**8. APPLICATION NO: 23/1105**

Outline application for a drive through food and drink unit (Use Class A3) up to 160 sq metres (all matters reserved except for means of access) (Updated FCA Rec. 05/02/24)

**KENTUCKY FRIED CHICKEN RESTAURANT, HEOL-Y-PWLL, TREFOREST INDUSTRIAL ESTATE, TAFF'S WELL, CARDIFF, CF15 7QX**

**93 - 106**

**9. APPLICATION NO: 23/1255**

8 no. residential units with associated infrastructure works (Bat Survey rec. 28/11/23)

**LAND AT THE FORMER BRICKWORKS SITE OFF LLWYDCOED ROAD, LLWYDCOED, ABERDARE**

**107 - 130**

**10. APPLICATION NO: 24/0131**

Replacement of the bridge structure and associated temporary work requirements (Additional information submitted 13/03/24 and 26/03/24)

**FEEDER PIPE BRIDGE OFF TRAM ROAD, TREHARRIS, CF46 5EF**

**131 - 144**

**SITE INSPECTION**

**11. APPLICATION NO: 23/1169/10**

Detached dwelling and upgrade works to access lane. (Coal Mining Risk Assessment received 21/11/23) (amended red line boundary and plans received 15/12/23)

**LAND TO THE REAR OF MILDRED STREET, BEDDAU**

**145 - 162**

**INFORMATION REPORT**

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

To inform Members of the following, for the period 01/04/2024 – 12/04/2024.

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

Overview of Enforcement Cases.

Enforcement Delegated Decisions.

**163 - 172**

### **13. 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 hybrid meeting of the Planning and Development Committee held on Thursday, 21 March 2024 at 3.00 pm at Council Chamber, 2 Llys Cadwyn, Taff Street, Pontypridd, CF37 4TH.

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

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

Councillor S Rees (Chair)

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

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

Councillor J Bonetto	Councillor G Hughes
Councillor D Grehan	

**County Borough Councillors in attendance: -**

Councillor M Norris

**Officers in attendance: -**

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

**230 WELCOME & APOLOGIES**

An apology for absence was received from County Borough Councillor A Dennis.

**231 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, County Borough Councillor S Rees declared a personal interest in respect of Application 23/144 Demolition of existing buildings and proposed development of 4 no. residential dwellings and 4 no. flats, landscaping, bat roost mitigation, bin store, bike store and associated works. THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UT.

“Two of the public speakers are known to me through my work in the Community.”

**232 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.

**233 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.

**234 MINUTES 22.02.24**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 22.02.24.

**235 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.

**236 APPLICATION NO: 23/1444**

**Demolition of existing buildings and proposed development of 4 no. residential dwellings and 4 no. flats, landscaping, bat roost mitigation, bin store, bike store and associated works THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UT**

Following consideration by Committee, it was **RESOLVED** to defer the Application for a Site Inspection to be undertaken by the Planning and Development Committee to consider the potential impact that the proposed development would have on highways safety and the sustainability of the location.

**237 APPLICATION NO: 24/0017**

**Single storey and two storey extension 20 PINEWALK DRIVE, GLYNFACH, PORTH, CF39 9NL**

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

- Ms A Gregory (Objector)
- Ms C Walters (Objector)
- Ms B Tatchell (Objector)

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to defer the application to a future meeting of the Planning & Development Committee to request further information from the applicant to illustrate the visual impact of the proposed development on the neighbouring property.

(**Note:** County Borough Councillor L Tomkinson joined the meeting during this item and therefore did not take part in the vote)

**238 APPLICATION NO: 23/1294**

**Part change of use from offices (B1 use class) to a gymnasium (D2 use class) FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS**

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

- Mr M Harris (Supporter)
- Ms S Tuck (Supporter)

The Head of Planning outlined the contents of two 'late' letters received from Non-Committee Local Member Councillor A Rogers in support of the application and from the residents of a neighbouring property outlining their concerns regarding the proposed development.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to the conditions set out within the report and to an additional condition no. 6:

Condition 6: Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the private shared access widened to a minimum of 4.5m including its tie in with Brecon Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

**239 APPLICATION NO: 23/1194**

**Proposed development of 14 affordable dwellings, sustainable drainage, parking and associated works.(Revised site layout, soft landscaping proposals, Landscape Specification & Management Plan, Green Infrastructure Statement, Habitat Management Plan and Species Mitigation Strategy received 22nd February 2024) SITE OF FORMER RHIWGARN COUNTY INFANTS SCHOOL, WAUN WEN, TREBANOG, PORTH, CF39 9LX**

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to a Section 106 Agreement

- i) .to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs; and
- ii) To secure an off-site contribution of £14,000 (£1,000 per dwelling) to the upgrading of the existing play area at Henllys.

**240 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 26/02/2024 – 08/03/2024.

**This meeting closed at 4.05 pm**

**Councillor S Rees  
Chair.**



## PLANNING & DEVELOPMENT COMMITTEE

25 April 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0982/10 (RP)  
**APPLICANT:** Mr & Mrs Loader  
**DEVELOPMENT:** New cattery and dog kennels (Environmental noise assessment received 10/01/2023) (Review of Clear Acoustic Design Ltd report received 15/03/2023) .  
**LOCATION:** TREDEGAIN FARM, PENYCOEDCAE ROAD, PENYCOEDCAE, PONTYPRIDD, CF37 1PU  
**DATE REGISTERED:** 21/10/2022  
**ELECTORAL DIVISION:** Graig and Pontypridd West

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**RECOMMENDATION:** Approve

**REASONS:** The proposals would introduce a new use to an existing agricultural holding and would allow the applicant to diversify, which is supported by National Planning Policy requirements.

Furthermore, the new structures proposed are considered acceptable in terms of their appearance, whilst the application has demonstrated that any detrimental impacts upon residential amenity and highway safety could be acceptably managed via the use of conditions.

The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5, AW6, AW10 and SSA23).

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

Three or more letters of objection have been received from occupiers of adjacent neighbouring properties.

#### **APPLICATION DETAILS**

Full planning consent is sought for the development of a new cattery and dog kennels at Tredegain Farm, Pontypridd.

The application details that the new enterprise would be formed via the construction of two new buildings at the site and within the confines of what is a working farm. The site includes a number of existing farm buildings consisting of a two-storey farmhouse, a long single storey stable block, two-storey storage building and a large long barn and it is proposed to erect the two new buildings in and around these existing units, with the L-shaped cattery building positioned to the south and east of the stable block and the kennel building being sandwiched between a recently constructed agricultural barn and the storage building.

In respect of the cattery, the new building would extend to 23m in length and would project for a further 10.3m to the north-east, towards Penycoedcae Road and would encompass 16 individual cattery units, a reception area and store. The building would be block built and clad in timber, whilst the apex roof would extend to approximately 4.5m in height and would be finished within fibre cement sheeting and photovoltaic solar panels. Between the cattery building and stable block, a covered parking space would be developed so that cats can be unloaded out of the weather and would lead to an outdoor seating area. To the north-east of the cattery building, an isolation unit would be constructed for use by cats when required.

With regard to the dog kennels, the applicant has confirmed within the submission that the proposal would provide for a dog day care facility only and would not be used for overnight boarding purposes. Subsequently, no visiting dogs would be present at the application site prior to 08:00 and after 18:00 Monday to Saturday, or outside the hours of 09:00 and 17:00 on Sundays and Bank Holidays.

As noted above, the kennel building would be positioned between an agricultural barn and storage building and would allow for a maximum of 10 visiting dogs to be on site at any one time. This would be in addition to the applicant's own livestock guardian dogs.

The kennel building would consist of a structure that would be trapezoidal in shape and would measure 15m in length by 5.5m in width, with a height of 2.6m at one end rising to a maximum of 4m on its northern side. The application details that the kennel block would be similar in its construction to the cattery building with insulated blockwork utilised for the external walls and sound insulation panels fitted to reduce any attenuation from within the building. To the eastern and western sides of the kennel building, UPVC windows and doors would allow circulation to and from the unit, with the door to the western elevation allowing access to an exercise field.

The application is accompanied by the following supporting documents:

- Noise Impact Assessment (compiled by JSP Consultants)
- Reporting Figures (compiled by JSP Consultants)
- Noise Management Plan (compiled by the applicant)

In addition to the above documents, Members are advised that an objector to the scheme commissioned for and subsequently submitted their own Noise Impact Assessment (compiled by Clear Acoustic Design) and a revision to that assessment.

In response to these assessments and at the request of the Council's Public Health and Protection Section, the applicant has submitted a review document of the Clear Acoustic Design Report (via JSP Consultants) in response to issues raised within the objector's appointed consultant's report.

## **SITE APPRAISAL**

Tredegain Farm is situated to the south of the settlement of Penycoedcae and north of Beddau. It is accessed via a driveway leading from Penycoedcae Road just a short distance to the east.

The farm unit, as a whole, amounts to approximately 5.56 hectares, although the area contained within the red line boundary represents only a portion of the site. The site incorporates sections of land closest to the farmhouse which also contains other ancillary buildings including stables, a barn, a garage and a small paddock.

By virtue of its location, the majority of the surrounding land is agricultural open countryside, although the closest receptors are located to the south-east, on the opposite side of Penycoedcae Road, being the residential units located within Tir-Mabellis House and its annexe building. Further to the north-east is the farmhouse and associated agricultural buildings associated with Tir-Mabellis Farm.

## **PLANNING HISTORY**

21/5002/41	Pre-Application enquiry for a cattery and dog kennels	Raise no objections	12/04/2021
19/0173/10	Application for prior notification for an agricultural barn at Tredegain Farm	Prior approval not required	26/02/2019
17/1243/10	Change of use and proposed new petting farm and spa, including the construction of two self-contained holiday lets, all from the conversion and extension of two existing stable blocks, and a new residential annexe.	Refused  Dismissed at appeal (on account of the residential annexe	22/02/2018  23/08/2018

		proposal only)	
17/0674/39	Non material amendment of previously approved planning application 12/0418/10 for revised fenestration and external doors resulting from alterations to the ground and first floor layout.	Approved	20/07/2017
17/0685/30	Construct a barn for lambing and to store agricultural vehicles and implements.	Prior approval not required	18/07/2017
12/0418/10	Side two storey extension with detached garage	Approved	12/02/2014

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties and the erection of site notices. No less than 30 letters of representation have been received as a result of both the consultation and re-consultation exercises conducted, 29 of which object to the application and one of which supports it.

However, Members are advised that not all of the objection letters have been received from persons who would be considered to be directly affected by the development, with some of the objection letters outlining residences located within Tonteg, Ynysmaerdy, Maindy (Cardiff) and Maesteg.

Members are advised that within the Tir-Mabellis complex, there are eleven residential properties split between two buildings and it is understood that these buildings house 16 residents.

### Object:

- Noise pollution impacts as a result of the development;
- Issues raised as to the content of the applicant's noise impacts assessments;
- Contend that the cattery building would not act as an acoustic screen to the upper floor apartments contained with Tir-Mabellis House.
- State that the approval of the application would bankrupt a long-established rental accommodation business;

- State that a noise complaint, to the Council's Pollution & Public Health department, has already been raised with regards to the applicants' own dogs in respect of noise;
- State constant barking, emanating from the farm, can be heard when visiting Tir-Mabellis House. This is especially annoying during the summer months when outside areas are used.
- Highway safety impacts;
- Content that smells coming from the kennel and cattery would be overpowering to residents of Tir-Mabellis House;
- State should the application be approved; it would affect the quality of life of many residents and would prompt current tenancies to be re-evaluated.

Support:

- States the owners at Tredegain Farm are good neighbours who have improved the farm and are trying to make an honest living;
- State the facility would be a welcome addition to the area;
- The dogs will be day boarders only for which I have no objection.

**CONSULTATION**

- Highways and Transportation – No objection, subject to condition.
- Public Health and Pollution – No objection, conditions recommended.
- Dwr Cymru – No objection.
- Natural Resources Wales – No objection.
- RCT CBC Flood Risk – No objection.

**POLICY CONTEXT**

**Rhondda Cynon Taf Local Development Plan**

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

The application site lies within open countryside to the north of Beddau.

**Policy AW2** - promotes development in sustainable locations.

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

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

**Policy AW10** - supports development proposals which are not detrimental to public health or the environment.

**Policy CS2** - promotes sustainable growth in the southern strategy area, with growth focussed within settlement boundaries.

**Policy SSA13** – development will be permitted where it is accessible to local services by a range of modes of sustainable transport.

**Policy SSA23** - land at Mynydd y Glyn and Nant Muchudd Basin is identified as a Special Landscape Area (SLA).

### **Supplementary Planning Guidance**

1. Design and Placemaking
2. 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 12 (PPW) was issued on 7<sup>th</sup> February 2024 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it

is not considered the policies set out in the document are specifically relevant to this application.

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

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

SE Wales Policies

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

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 06: Planning for Sustainable Rural Communities;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- 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**

The accompanying information that supports the application states that Tredegain Farm is a working farm. As such, the proposal to introduce a dog day care facility and cattery at the application site may be considered a rural diversification, which would support the agricultural holding.

National Planning Policy is also generally supportive of diversification as it is considered to strengthen the rural economy and minimise the need for occupiers of the farm to travel for employment.

It is acknowledged that the site is located outside of and distanced from the settlement boundary. The site also lacks access via public transport. Based on this, the site is considered to be positioned within an unsustainable location with regards to Policy AW2 of the Rhondda Cynon Taf Local Development Plan. However, Planning Policy Wales (PPW) recognises that although such rural diversification proposals should be located in areas that are accessible by public transport, this is not always possible and it is acknowledged that many rural diversification proposals would only be accessible by private car.

Furthermore, PPW states that whilst the protection of the open countryside should be maintained wherever possible, the expansion or diversification of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts.

In the case of the current submission, the principal of the application could therefore be supported and enterprises, such as kennels and catteries, are usually found within more rural locations, such as farms.

However, in accordance with the requirements of Policies SSA23, AW5, AW6 and AW10, proposals for development may only be considered acceptable providing no adverse impacts result in terms of amenity, character and highway safety. These matters will be considered in detail in the following sections.

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

In respect of the position of the proposed cattery and dog kennels, their relationship with the surrounds and distance from the nearest receptors, it is considered that the proposals would not be significantly harmful to amenity by detriment to outlook or overshadowing.

As alluded to in the preceding sections of this report, catteries and kennels are typically situated in the countryside as it may usually be inappropriate for them to be located within settlement limits due to noise generating impacts and it is inevitable that some noise associated with the use would result as dogs are likely to bark at drop off and pick up times, within the exercise field and when they are grouped together in the kennel block.

In respect of the cattery, noise from this operation, other than from additional car movements at the site, is not a concern and the applicant has advised that animal (visiting cats and dogs) drop offs and collections would be restricted to 08:00-10:00 and 16:00-18:00 Mondays to Saturdays and 09:00-11:00 and 15:00 – 17:00 Sundays



and Bank Holidays. The applicant has also indicated that a courier service would be offered to clients, whereby a member of staff would drive to collect and drop off dogs and cats so that vehicle movement to and from the site, together with any disturbance to neighbouring residents, is minimised.

The main topic for consideration and which has drawn significant attention from the objectors to the scheme is any potential noise impacts from the dog day care operation. Within the submission the applicant has stated the siting of the kennel building has been purposely chosen to be located between two barns, with the cattery building sited between the kennel block and Tir-Mabellis House and its grounds so that these buildings provide an acoustic screen.

The application also indicates that the proposed exercise field would be situated entirely behind the existing agricultural barn and the new kennel block, for which access would be obtained from the western elevation of the kennel building. The applicant has also stated that fencing would be erected upon the southern end of the exercise area, so that dogs cannot stray south of the large barn. As such, there would be no 'line of sight' from the exercise field towards Tir-Mabellis House. Members are also advised that the applicants noise management plan indicates that exercise periods would be restricted, so that the number of dogs being walked at any one time, during the day, would be curtailed and at a worst-case scenario, the location of any dog within the exercise field to the main Tir-Mabellis House would be approximately 100m, separated by the two-storey agricultural barn, kennel and cattery buildings and the highway of Penycoedcae Road, although the exercise field would be eminently closer to the Tir-Mabellis annexe building and its westernmost amenity areas that lay adjacent to Penycoedcae Road.

As noted above, whilst there are residential properties in the vicinity of the site, they are separated from the application site by a well-trafficked road and, as such, background noise levels are already high in this location.

Notwithstanding the above, to fully understand the potential noise impacts upon neighbouring residential properties a noise impact assessment was commissioned by the applicant, to assess this in detail and to determine the existing background noise levels and predicted noise levels from the operation of the kennels. The assessment procedure was twofold, whereby the noise consultant undertook a measurement procedure within and outside the site and, in the absence of an existing kennel operation at the application site, it was necessary to utilise some previously obtained noise measurements of dog barking activity from existing dog kennels, at other facilities.

This assessment has concluded that any noise from barking dogs within the exercise field, would be well below the background noise, when taking into account any acoustic shielding provided by the large barn, storage building, new cattery building, other farm buildings and the new kennel building itself.

In terms of the construction of the kennel block, the applicants appointed noise consultant has concluded within his assessment what the acoustic attenuation characteristics of the proposed building could be; although no definitive details or structural designs of the building's construction have been provided at this stage.

However, the noise consultant (JSP Consultants) has advised that should high sound insulation panels be used, such as Kingspan KS1000 insulated panels for the walls and roof, it has been possible to provide a range of predicted noise levels. This would give a predicted freefield level of 27 decibels (dBA Leq), or if a less substantial structure with lower sound insulation values is adopted, such as 12mm thick fibreboard on a wood framework, then the predicted level increases to 29 decibels (dBA Leq), both figures of which fall below the recorded background noise, should dog barking take place inside the kennel building.

Members should note that the revised noise impact assessment submitted by the objector (from Clear Acoustic Design) presents that background noise levels have been assessed and recorded as 32 decibels (dB LA90) minimum.

Given the above, and to ensure that the freefield level of 29 decibels is not breached, a condition is recommended for a scheme of acoustic attenuation to be submitted to the Local Planning Authority, outlining the design and construction details of the kennel building, prior to the commencement of development.

Lastly, the noise consultant has acknowledged that the degree to which dog barking occurs will depend on the level of management control conducted on site. The applicant has submitted a noise management plan to this end, which includes details relating to cleaning, waste collections and staff training, the content of which would be conditioned. In addition, despite the objectors' concerns, night time noise from the kennel operation would not be an issue, as visiting dogs would not be within the confines of the farm overnight.

Consequently, based on the above, the scheme is considered to accord with the requirements of Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan, subject to conditions.

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

The application site is well screened by hedgerow and currently, there are a number of buildings located on the site of varying scale and quality.

In terms of construction, the cattery and kennel buildings would follow a simple design and would be clad in timber which would blend with the agricultural setting. The new buildings proposed would also be single storey structures and consequently, would not appear overly prominent.

From a practical point of view, it is also recognised that due to the use of the buildings proposed they must be quick and easy to clean and maintain.

As such, it is not considered that the new buildings proposed would present as incongruous features and given the isolated nature of the application site, it is not considered that the character and appearance of the site or Special Landscape Area would be unduly harmed.

### **Access and highway safety**

A number of objectors have raised concerns as to the developments potential to cause highway safety issues in the vicinity of the site. Members are advised that the application has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal on highway safety and they have raised no objection to the proposed scheme, subject to condition. In coming to their conclusion, they made the following comments.

#### Access

The proposed development is located off Penycoedcae Road, roughly halfway between Beddau and Penycoedcae.

Penycoedcae Road has a carriageway width 5.6m in the vicinity of the site and is subject to the national speed limit. Penycoedcae Road is substandard in terms of its horizontal and vertical geometry, lacks segregated footway facilities, adequate highway drainage and structural integrity.

The development is currently served via a 3.5m wide access to the side of the property, which extends to the existing farmyard area to the rear. The submitted proposed site plan indicates that the existing access is to be widened to 5.5m and an existing gate has been relocated approximately 18m back from the edge of carriageway. The proposals are therefore satisfactory to facilitate two-way vehicular movement and there is ample opportunity for turning within the site to ensure vehicles are able to enter and exit in a forward gear.

The applicant has facilitated an improved access; however, no details of the access to be tied in with Penycoedcae Road has been submitted and therefore, a condition has been suggested accordingly.

#### Vision Splays

Penycoedcae Road is subject to a 40mph speed limit. As such, in accordance with Technical Advice Note 18: Transport, the junction between Penycoedcae Road and the proposed development has vision splay requirements of 2.4m x 120m.

The submitted site plan indicates that vision to the right has been improved by removing a small boundary wall and hedge during the wintertime and it has been replaced with a fence set further back from the road and new hedging to benefit feeding and nesting birds. The submitted drawings indicate that a vision splay of 2.4m

x 190m to the left and 2.4m x 120m to the right has now been obtained which is considered acceptable.

### Parking

On-site parking generated by the proposal is likely to be short stay, due to customers only picking up and dropping off their pets and the applicant has indicated that a courier service would be offered to clients. There is ample space for vehicles to park and turn on-site which is considered acceptable.

### Drainage

There is concern that water run-off from the proposal may discharge onto Penycoedcae Road; therefore, a condition has been suggested accordingly.

### Highways Summary

There is slight concern that the proposal may intensify traffic along Penycoedcae Road, which is substandard in terms of its horizontal and vertical geometry, lack of segregated footway facilities, lack of adequate highway drainage and structural integrity.

However, taking into consideration that the proposal improves the existing access, to provide adequate vision splays and two-way vehicular access, along with ample space for vehicles to park and manoeuvre internally, allowing vehicles to access and egress the site in a forward gear, the proposed is considered acceptable.

Therefore, based on the above, it is considered that the development would accord with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Drainage**

The application site is not served by a public foul sewer and therefore the proposal is to be discharged through a private sewerage system via an existing cesspool. Within their consultation response Natural Resources Wales, overall, have no objection to the proposed development, providing that all foul water and/or trade effluent is directed to the existing cesspool only. Similarly, Dwr Cymru have raised no objection to the proposal.

In terms of surface water drainage, the Councils Land Drainage Section, as Lead Local Flood Authority, have reviewed the submission and have commented that as the total construction area of the development is greater than 100 sq. metres, under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). The applicant is also required to comply with Part H of the building regulations.

Having regard to the above, it is considered that matters relating to drainage at the site have been adequately addressed. As such, the development is considered

acceptable in this regard and accords with the requirements of Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

### **Neighbouring Consultation Responses**

Objections have been received from neighbours (and people further afield) in relation to noise from barking dogs and the negative impact this may have on the residential amenity of those living closest to the site.

Whilst it is acknowledged that there is likely to be some barking at times, it is important to acknowledge that the Council's Public Health and Protection Section does not object to the development, subject to the provision of further details of the specification of the kennels, in terms of acoustic attenuation, and a condition is recommended accordingly.

Members should also note that it is the case the Council's Public Health and Protection Section benefits from powers under separate legislation, which would allow them to investigate any noise related complaints, or allegations that the noise generated exceeds the figures stated in the applicants or objectors noise assessments.

To summarise, given the context of the site, which is a working farm, located next to a well-trafficked road, both of which already generate a degree of background noise, together with the daytime use of the kennels only, it is considered the proposals would not affect the amenities of adjacent occupiers to a degree which would warrant refusal of the application in this instance.

The noise concerns raised by the neighbouring occupants have been fully considered, along with the noise impact assessment received from the objector to the scheme. However, given that the applicants noise impact assessment has been compiled by a suitably qualified consultant, who is a Member of the Association of Noise Consultants, the Local Planning Authority and Council's Public Health and Protection Section are content with its methodology and conclusions and it is considered that the application demonstrates that, subject to condition and appropriate mitigation, the noise generated from the proposed development can be adequately managed and, as such, any amenity impacts would not be so significant to warrant refusal of the application.

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

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

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

To conclude, whilst it is acknowledged that residential properties are located in the vicinity of the application site, it is considered that the accompanying noise impact assessment has demonstrated that any impacts arising from noise generated by the diversification of the farm operation, could be limited to an acceptable level.

Furthermore, the proposal is considered acceptable in terms of its impact upon the character and appearance of the area, and its potential impact upon highway safety. Therefore, the proposal is considered to be in accordance with relevant Local and National Planning Policies and is recommended for approval, subject to the conditions specified below.

### **RECOMMENDATION: GRANT, 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 drawing numbers and documents received by the Local Planning Authority on 12/08/2022, 10/01/2023 and 15/03/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. (SK) 100 (Location Plan)
- Drawing no. (SK) 1002 Cattery Scheme Details
- Drawing no. (SK) 1003 (Detail & Entrance Plan)
- Drawing no. (SK) 1004 (Kennels Scheme)
- Drawing no. (SK) 1005 (Site Entrance)
- Drawing no. (SK) 1001A (Overall Scheme)
- Noise Management Plan (dated 08/12/2023)

Reason: For the sake of certainty, to ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the submitted details, prior to the commencement of the development a scheme of acoustic attenuation, including full design and construction details, shall be submitted to and approved in writing by the Local Planning Authority that specifies the provisions to be made for the control of noise emanating from the proposed kennel building, so as to ensure that noise from any part of the development hereby permitted, as measured externally at the façade of any neighbouring dwelling house, shall not exceed 29dB LAeq 15 min or background, whichever is the lower. The noise mitigation scheme shall be implemented prior to the beneficial use of

the kennel building and shall be maintained in perpetuity, in accordance with the submitted scheme”.

Reason: To ensure that the operation of the development is not a source of nuisance to occupants of nearby residential properties, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Members of the public and visiting dogs shall only be admitted to or allowed to remain on the premises between the hours of 08:00-18:00 Monday to Saturday and 08:00-17:00 hours Sunday and Bank Holidays.

Reason: To ensure the amenities of the occupiers of nearby residential properties are protected, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No dogs shall be boarded on the premises overnight.

Reason: To ensure the amenities of the occupiers of nearby residential properties are protected, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Animal (visiting cats and dogs) drop offs and collections shall be restricted to 08:00-10:00 and 16:00-18:00 Mondays to Saturdays and 09:00-11:00 and 15:00 – 17:00 Sundays and Bank Holidays

Reason: To ensure the amenities of the occupiers of nearby residential properties are protected, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The means of access shall be laid out in accordance with the submitted drawing no “(SK) 1005”, to the satisfaction of the Local Planning Authority prior to beneficial use.

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

8. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system.

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

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## PLANNING & DEVELOPMENT COMMITTEE

25 April 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/1149/10 (GH)  
**APPLICANT:** Ryan Jones Group Limited  
**DEVELOPMENT:** Construction of aggregates recovery facility. (Amended PEA, updated and additional drawings and sections, Air Quality Assessment received 4th May 2023, Revised Transport Assessment and Air Quality Addendum received 28th September 2023, Updated Noise Assessment received 14th December 2023. Green Infrastructure Statement and Updated Ecological Management Plan received 5th February 2023).  
**LOCATION:** FFOREST WOOD QUARRY, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9XD  
**DATE REGISTERED:** 05/02/2024  
**ELECTORAL DIVISION:** Llanharry

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW AND A UNIVERSAL UNDERTAKING AGREEMENT:

#### REASONS:

The proposed development would accord with the national planning policy position relating to minerals and waste development, set out within Future Wales 2040, PPW 12, MTAN 1 and TAN 21; as well as the policy guidance, regional strategy and sector plans which are relevant to it.

Furthermore, the development aligns with the aims of the Welsh Government to promote a national sustainable mineral policy and would help to ensure the steady supply of aggregate for the benefit of the Welsh construction sector.

In addition to contributing towards the growth of the circular economy, the development would help to promote the use of recycled materials, reduce dependence on primary won minerals and would be located in an appropriate place.

The development has also evidenced that it could deliver a net biodiversity benefit, would have an acceptable impact on the appearance of the site and

**immediate landscape and would neither cause a significant impact to the amenity of third parties or be detrimental to highway safety.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

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

## **APPLICATION DETAILS**

Full planning consent is sought for the construction of an aggregates recovery facility at Forest Wood Quarry.

The facility would be located on land towards the south-eastern side of the quarry, close to the main access into the site from the A4222 Cowbridge Road. The purpose of the proposed development is twofold:

Firstly, the application explains that there are approximately 1 million tonnes of by-product that have been discarded on site by the previous operator and left within the curtilage of the quarry. The application sets out that large quantities of aggregates and soils can be recovered from this by-product to supply local markets.

Secondly, the facility would recover aggregates from inert construction and demolition waste brought into the site and the production and sale of these would be complementary to that already produced at the site.

### Construction

In order to facilitate the proposal engineering operations would be required to create level working areas within the red line area of the site boundary:

- The fixed aggregate recovery plant, together with its access ramp for loading, would sit on concrete pads and on a widened plateau. The latter would have a level surface of between 64m and 65m Above Ordnance Datum (AOD)
- For the crushing and tipping/storage of materials, two plateaus would be constructed to the west of the site at levels of 68m and 70m AOD respectively. This would necessitate some limited regrading and/or excavation of the existing ground to create them. A ramp between the plateaus would facilitate access by HGVs.

As the submitted drawings indicate, the aggregate recovery plant would comprise a variety of components, including hopper, ramps, conveyors, control room, water tanks, filter press, steps and gangways. The arrangement of these elements would create a structure with a maximum length of 97m, with the highest part to a maximum height of 13.7m.

The plant components would mainly be constructed from powder coated steel, painted blue and light grey, or galvanised steel. The control room and filter press would be constructed from trapezoidal profiled powder coated steel in light grey with blue edging trim.

Its operation would also require additional mobile plant, including a tracked excavator, 2no. wheeled loading shovels and a crusher with integrated screen.

In respect of ancillary works associated with the plant, the application advises that security and utility lighting would comprise pole or surface-mounted spotlights, which would be downward orientated and inward facing over the input feed hopper and storage bays of the plant. Existing site CCTV would be extended to include this working area and no additional boundary treatments are proposed to those already enclosing the whole site.

### Operation

The aggregate, either waste imported to site or that already within the quarry, would be loaded into the input hopper and primary screen by wheeled loading shovel. The primary screen removes oversize materials which would fall into an adjacent storage bay. Oversize material will be crushed separately and returned to the plant for processing.

Screened waste would be transferred by conveyor, passing under a magnet to remove ferrous metals, before entering a wet screener. Aggregates and any non-aggregate contamination such as plastic or wood would be separated and exit the wet screener from where they are transferred by conveyor to storage bays.

The process water, containing aggregates of less than 4mm in size, would be pumped to a dewatering screen to further separate the finer grit and sand fractions which would then be transferred by conveyor to adjacent storage bays.

The remaining process water would be pumped to a recycling system comprising of a settlement tank and thickener unit. Clean water would exit the settlement tank and pass to a storage tank for recirculation. Any settled sludge at the bottom of the tank would be transferred to a filter press where any residual water is removed. A subsurface sump would collect rainfall run-off which would be used to replenish process water lost through evaporation.

Processed material would be transported by loading shovel from storage bays surrounding the Aggregates Recovery Plant and deposited into various stockpiles in the west of the site to await dispatch. Product stockpiles would be a maximum of 5m in height.

The development is estimated to create up to 10 new full time jobs and is proposed to have a maximum annual throughput of 200,000 tonnes per annum. It is proposed that the hours of operation would be 07:00 to 19:00 hours (Monday to Friday) and 07:00 to 13:00 hours (Saturdays), with no operation on Sundays or Bank Holidays.

### Additional Information

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

- Preliminary Ecological Assessment
- Drainage Strategy
- Noise Assessment
- Pre-Application Consultation (PAC) Report
- Transport Statement
- Planning Statement (including a Waste Planning Statement)
- Air Quality Assessment and Addendum
- Green Infrastructure Statement
- Ecological Management Plan

### **APPRAISAL**

The application site comprises a parcel of land with a surface area of approximately 1.68 hectares which is within the curtilage of Forest Wood Quarry. The Quarry, which encompasses a total land area of around 29 hectares in the Applicant's ownership, lies in open countryside to the south of Llanharry and the M4 motorway and produces a range of limestone aggregates.

Access to the site is via an unadopted lane which connects with the A4222 Cowbridge Road approximately 300m to the south-east. The southernmost section of the access lane and its junction with the A4222 is within the Vale of Glamorgan, which is also the case for the extension to the working area approved in 2001.

In addition to the site office, lab/storage building and ancillary plant, there are a couple of prominent structures within the quarry, including the disused concrete batching plant and the very tall asphalt plant, the latter being operated by a separate company, Breedon Aggregates.

There are a handful of dwellings/agricultural units within the immediate surrounding area, the closest of which, to the area in question, are located around 190m to the south, 340m to the south-east and 370m to the north-east.

It is noted that the part of the development where the plant is proposed to be erected is adjacent to land designated as a Site of Importance for Nature Conservation (SINC).

### **PLANNING HISTORY**

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

- 22/1126/10:** Change of use for a proposed soil blending operation. Decision: 13/04/2023, Granted.
- 21/1362/10:** Change of use of land to incorporate the enlargement of existing internal access road, including alterations to levels and laying of hard standing. Decision: 01/02/2022, Granted.
- 18/0585/23:** Prior Approval for the erection of a bagging plant and associated hoppers. Decision: 24/05/2018, Permission Not Required.
- 09/1233/03:** Western extension to Fforest Wood Quarry at Fforest Fawr Farm. (Observations requested by The Vale of Glamorgan Council). Decision: 16/05/2011, Raise No Objections.
- 04/0864/10:** Erection of storage bins ancillary to coating plant. Decision: 29/9/2004, Granted.
- 03/0031/10:** Construction of water settlement lagoons, access road and fencing. Decision: 21/02/2003, Granted.
- 01/2383/03:** Southern extension to existing workings at Forest Wood Quarry (Observations requested by The Vale of Glamorgan Council). Decision: 13/07/2001, Raise No Objections.
- 56/95/6D:** Replacement Plant. Decision: 08/10/1996, Granted.
- 56/93/0375:** Scheme of working conditions to be attached to IDO Permission. Decision: 30/09/1993, Granted.
- 56/91/0853:** Registration of IDO consent. Decision: 19/02/1992, Granted (former Mid Glamorgan, now Rhondda Cynon Taf area).
- 382/2/1013:** Erection of office accommodation. Decision: 09/08/1968, Granted.
- 382/2/874:** Erection of office accommodation. Decision: 16/02/1968, Granted.
- S11611:** Drilling of bore holes. Decision: 17/04/1957, Granted.
- JPC 917:** Winning, crushing, grading and disposing of stone. Decision: 02/07/1947, Granted (Interim Development Order (IDO) consent).

## **PUBLICITY**

The application was advertised, initially, by direct notification to neighbouring properties, the display of site notices and press notice.

On the receipt of revised details and additional supporting information, in May 2023, a full reconsultation was undertaken including the display of site notices over a wider area, including the centre of Pontyclun.

Approximately 190 letters of objection have been received and some of these objectors have submitted multiple comments or engaged in ongoing correspondence. Two petitions have been received, the first with 240 names and the second with 87 names.

Objections have also been received from Alex Davies-Jones MP and Mick Antoniw MS, and in addition, correspondence has been received from Andrew RT Davies MS raising questions and concerns about the length of the determination process and highlighting the beneficial impact to local jobs and the economy from the development.

As might be expected, most of the issues highlighted by objectors concern the same key matters and can be summarised as follows:

#### Highways and Traffic

- The highway network is congested and cannot cope with the existing number of HGVs, particularly during morning and afternoon rush hour periods.
- The highway is already in a bad condition and the additional HGV traffic will make it worse.
- The standard of driving on local roads is poor.
- Brynsadler is a bottle neck where traffic cannot freely pass.
- A direct access should be provided via a new slip road onto the M4.
- A fatality and several collisions have occurred involving HGVs.
- Traffic will try to use other narrow country lanes to bypass Pontyclun. A huge volume of residential traffic already uses the narrow country lane from Llanharry to Tylagarw and on to Coedcae Lane in order to avoid queues.
- The Transport Statement is naïve citing figures that the current quarry is operating at, a reduced capacity compared to when it was at its peak, alluding to the idea that there will be a far reduced amount of associated traffic from the site. This overlooks the fact that it will nearly double the level of traffic we are seeing currently.
- The quarry has not operated at anywhere near the 800,000 tonnes per annum capacity for in excess of 10 years.
- The transport data presents what is deemed a low percentage increase of total traffic flow through several route locations. It is important to also look at the data in HGV terms e.g., at site 2 the number of HGV movements increases from a 5 day average of 231 to 303 (=231+72). This is an increase in HGV movements of 31% over the current base load.

- No objections to the build itself as increasing the local economy and work opportunities can only be a positive thing, but an alternative route would need to be found.
- On those days when there is a mobile speed trap the noise pollution from vehicles is considerably less.
- I actively travel as much as I can, including to my place of work as encouraged by RCT Council and Welsh Government. As a result of how much traffic has increased and the lack of care, it is now feeling less safe and I find myself wanting to not actively travel as much. I have been on my bike coming up Brynsadler hill with lorries surrounding me on both sides which is scary and unsafe.

#### Noise

- HGVs passing close to properties, particularly those through Brynsadler, are subject to noise from HGVs, which cause vibrations through properties and additional noises of thumping or clanging due to potholes, drains and imperfections in the road surface. Windows have to be shut to try and block the traffic noise.
- The proposed operating hours are 07.00 to 19.00 and noise is already a problem between 07.00-09.00 and 17.00 to 19.00 and on Saturday mornings. The assessment doesn't consider the potential difference in noise patterns in these times stated.

#### Air Quality

- Large diesel engines cause excessive emissions of particulates which are harmful to health. The local routes are used by pedestrians, cyclists and children, including trips to and from school.
- Crushing and screening construction demolition waste and hard core may create dust, potentially containing contaminants, and affecting respiratory health. Existing quarry operations causes dust which is often carried and deposited on cars and homes.
- Being elderly, disabled and with a heart problem, the air pollution on the road means I am unable to ever keep any windows open in the front of my house.
- Aggregate recycling equipment with storage facilities would substantially increase the amount of stone dust, the finer particles of which will be carried on the prevailing westerly winds directly.
- There should be monitoring and control plans for the site to ensure emission limits are managed effectively.

#### Other Health Issues

- Any increase in HGV traffic is likely to create a physical and mental health risk.

#### Visual Impact

- The plant would be 13.694m high off ground level and situated at an elevated level within the quarry. As it's a quarry with a sizable area below ground, why is it situated here? It is detrimental to all surrounding neighbours and it could be situated in a far better location.

## Environment

- The water courses in the area have been affected by the works of the quarry and the quarry owners have deforested a registered ancient woodland.
- The area is also an SINC and high priority should be given to the local landscape and wildlife.
- Concerned with how 'dirty water' will be dealt with since the local streams connect to Talygarn lakes and that the washery plant will create effluent that will discharge and contaminate local streams.
- The area is home to a plethora of invasive species that have not been outlined in the ecological assessments. Japanese Knotweed and Himalayan Balsam have accumulated in great masses and height in the areas around the site. These incredibly invasive species may not have been identified in the ecological surveys as they may fall just outside of the development area.

## Local Economy

- Pontyclun high street depends on footfall, which in turn depends on factors such as parking, general attractiveness of the town and ease of access, primarily by car. Increasing the activity at the quarry will cause additional traffic congestion in Pontyclun which will deter much needed visitors from visiting and shopping.

## Procedure

- Planning Committee Members are asked to hold a site meeting.
- This is EIA Development and the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 apply. It will almost certainly enjoy synergy with the quarry and may in the future become interconnected further through landfill in the worked out areas of the quarry. All EIA assessment of the recycling operation must therefore be considered cumulative with the remainder of the quarry and other related or nearby operations and development.
- Is an Environmental Impact Assessment necessary and can the application rely on the existing planning status of the quarry?

## Other material matters

- Who will check that the tonnages of material proposed to be recycled are within the limits proposed?



- Other waste facilities exist in the South Wales area which could accommodate the waster closer to source.
- There seems to be no benefits to the local community from the development to mitigate concerns.
- Any benefits of recycling will be lost by the nuisance and pollution which will accompany these developments.

#### Non-material matters

- RCT has given developers planning permission for thousands of new houses in the Llanharry area, all of these new residents now drive through Brynsadler and Pontyclun but despite the money given to RCT by the developers nothing has been done to improve the traffic situation.
- Planning permission should never have been granted for the quarry in the first place, the lorries have been a nightmare for years.
- If this application is to be approved, please seek the surrender of the existing approved uses to prohibit an intensification of HGV traffic and noise generation.
- It would be more appropriate for the existing operation at the site to be closed, not to be allowed to add further disruptive activity.
- The planning application gives little to assure us that this is a viable and sustainable business venture.
- Currently, heavy plant noise starts most week day mornings from 6.30am. This needs to be looked at let alone any increase in further noise and traffic.
- We have been subject to the house shaking during blasting.
- Since Hanson has left, the quarry seems to have been abandoned in some areas. A large area has now filled with water for example and trees are being cut down. Similar to open cast mining, what happens if the operations cease and the land is not put back to a safe use.
- The only noise we could previously hear when Hanson operated the quarry was the tannoy. At present we can hear impact breakers and a mobile crusher working from 7am. This is prior to the application being approved.
- The development will devalue nearby properties.

## CONSULTATION

### Cadw

No objection.

### Countryside Section – Ecologist

No objection subject to the securing of the long-term habitat restoration set out within the Ecological Management Plan.

### Dwr Cymru Welsh Water

No objection on the basis that alternative drainage is proposed and notes that no foul water will be produced as a result of this development.

#### Flood Risk Management

No objection. It is noted that if the total construction area of the development is greater than 100 sqm an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB) will be necessary. However, no condition is required since surface water will be discharged to a soakaway with no discharge off site.

#### Highways and Transportation

No objection, subject to conditions requiring HGVs travelling to and from the site to be sheeted and for details of facilities for wheel washing and management of wheel cleaning operations.

#### Llanharry Community Council

Members have discussed this application at length and are dismayed that no recording was made of vehicles that choose the route through Llanharry and that no checks were made for noise and dust levels and air quality in Llanharry.

The Community Council confirms its objection to this application and questions Rhondda Cynon Taff County Borough Council's impartiality and objectivity in deciding this application due to their working relationship with some of the applicants.

#### National Grid

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

#### Natural Resources Wales

No objection subject to conditions requiring the submission of an Environmental Management Plan, site lighting details and a Construction Environment Management Plan for approval.

#### Pontyclun Community Council

The Community Council wishes to object to this application in the strongest terms. It is recognised that the application may contribute to increased recycling capacity and have environmental benefits, but this must be balanced against the detrimental impact on quality of life and welfare of residents and on retail and other businesses in the local area. Many residents are concerned about air quality, noise pollution and impact on their mental health.

### Public Health and Protection

No objection, subject to the mitigation being installed as stipulated in the Noise Assessment report dated December 2023. Following assessment, the Applicant has demonstrated through their Air Quality Assessment and subsequent Addendum that the development will not adversely increase the levels of air pollution in the locality.

### South Wales Fire and Rescue

No objection to the proposed development and notes that the developer should also consider the need for the provision of adequate water supplies on the site for firefighting purposes; and access for emergency firefighting appliances.

### The Coal Authority

No objection - the application site does not fall within the defined Development High Risk Area which means there is no requirement for a Coal Mining Risk Assessment to be submitted.

### Vale of Glamorgan Council – Ecology

No objection, subject to a condition for the provision of a lighting plan or strategy.

### Vale of Glamorgan Council – Environment

No objection, since pollutant concentrations at modelled receptors close to Vale of Glamorgan addresses remain well within air quality limits.

### Vale of Glamorgan Council - Highways

No objection. Vale of Glamorgan Highways Department has requested additional signage on the Cowbridge Road and information relating to wheel washing. This has since been incorporated within the relevant plan and conditions.

### Vale of Glamorgan Council – Planning

No objection to the proposed development, but requests that the conditions identified by its internal consultees are imposed on any grant of planning permission.

### Welsh Government

No objection - the Welsh Government, as highway authority for the M4 trunk road, does not issue a direction in respect of this application.

### Woodland Trust

Objection on the basis of potential deterioration and detrimental impact to an area of Ancient Semi-Natural Woodland.

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 within open countryside south of Llanharry.

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

**Policy CS9** - Identifies a need for sub-regional waste management facilities.

**Policy CS10** - Mineral resources will be protected and will contribute to local, regional and national demand.

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

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

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

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

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

**Policy AW14** - Protects mineral resources, where the quarry at Forest Wood would be safeguarded from development by a 200m buffer zone.

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

### **Supplementary Planning Guidance**

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

### **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 12) (PPW) was issued on 07 February 2024. It incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the Welsh Government's (WG) current policy position on planning issues relevant to the determination of all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level. The thrust and general context of each of the policy documents is 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 also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

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

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 9 – Resilient Ecological Networks – green infrastructure / ecology
- Policy 19 – Strategic Policies for Regional Planning

## SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 11: Noise

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

PPW Technical Advice Note 21: Waste

PPW Technical Advice Note 23: Economic Development

PPW Minerals Technical Advice Note 1: Aggregates

Minerals Planning Guidance 11

Manual for Streets

Towards Zero Waste, One Wales: One Planet (June 2010)

Collections, Infrastructure and Markets Sector (CIMS) Plan (July 2012)

Construction and Demolition Sector Plan (November 2012)

South Wales Regional Aggregates Working Party (SWRAWP) Regional Technical Statement on Aggregates (RTS) – 2nd review 2020

SWRAWP Annual Report 2020

NRW 2019 Wales Construction & Demolition Waste Arisings Survey

## **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:**

#### **Background**

Apart from limited controls, there were no planning restrictions on quarrying until The Planning Act of 1932 introduced the need to apply for planning permission in respect of 'development' including quarrying.

However, in most cases, quarry companies were subsequently granted permission to work much or all of the land they owned, regardless of the impact that such operations might have, including upon neighbouring properties.

These permissions were granted as Interim Development Orders (or IDOs) by the Interim Development Authority, usually an urban or rural district council. The Town and Country Planning Act 1947 introduced further regulations so that quarry owners (active and inactive) had to define the extent and nature of their activities.

Quarrying operations are believed to have commenced at Forest Wood prior to the First World War and carried out on a smaller scale, by Llanharry Quarries Ltd. until 1947. In July of that year the Western Trinidad Lake Asphalt Company's application to the Cowbridge Rural District Council received planning permission (IDO) for the "winning, crushing, grading and disposing of stone". By the mid 1950's the site was operated by Steetley Dolomite Ltd.

The Planning and Compensation Act 1991 required the holders of such permissions to apply to mineral planning authorities to register them for the determination of conditions. Accordingly, the IDO was registered by the then operator, Pioneer Aggregates, in 1992 and the conditions to be attached to it were approved in 1993, both being determined by the former Mid Glamorgan County Council. Hanson acquired Pioneer in 2000, with Hanson since being subsumed by Heidelberg Materials.

It is worth clarifying that the 1993 permission for the quarry, which includes the extraction and processing of materials, together with the operation of the asphalt plant and former concrete batching works, does not expire until 2042. No limit was placed on the amount of material to be extracted and processed.

Members will also recall that full planning permission was granted for the manufacture of topsoil in April 2023, per application 22/1126/10, with an annual limit on output of 50k tonnes per annum.

Also, for the purposes of clarity, it should be noted that the Applicant, Ryan Jones Group, now owns all but a very small area of the RCT part of the quarry area. However, the southern and western quarry extensions, both within the Vale of Glamorgan have been retained by Heidelberg and any remaining reserve in that part is effectively sterilised.

### **EIA Screening Opinion**

Correspondence from objectors, relating to the scope of the proposals, included an assertion that the scheme would constitute Environmental Impact Assessment (EIA) Development. Nevertheless, this matter had already been considered and the Applicant's Agent advised.

Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 sets out various development types and applicable thresholds/criteria to determine whether or not the proposal would comprise Schedule 2 development. If so, further assessment of any 'significant effects' would be required under Schedule 3 with the potential need for an Environmental Statement (ES).

Since the planning application had already been submitted, the Regulations outline the procedure that the LPA must follow i.e., to treat the lodging of the application as a request for a screening opinion, as described within Regulation 6.

A screening opinion was provided in December 2022 advising that the LPA considered the development would fall within the scope of Schedule 2 Class 11(b)(ii) (Other projects), on account of the area of the development exceeding 0.5 hectares.

However, having had regard to the criteria set out within Schedule 3 of the Regulations, it was considered that the development would not constitute EIA development and that any future planning application would not require the submission of an ES.

The Screening Opinion noted that the recycling plant would be located within an existing quarry and would represent an additional land use. Nonetheless it would neither result in such a physical change to the locality, nor require a use of natural resources that would be considered significant in terms of the Regulations.

In respect of cumulative impacts, relating to the existing development, the context of the site was considered, particularly the scope of the operations permitted by the extant planning permissions and the LPA's view that planning permission would not be required to re-work the 1 million tonnes of aggregate currently within the quarry via the use of mobile plant.

Whilst there would be a visual impact on the vicinity of the site, this impact would be a local one. Viewed in its setting, alongside the landform of the quarry and existing large structures within it, the development would not be considered to represent a significant change in terms of the Regulations.

The Applicant's Agent was further advised that matters of pollution and noise nuisance, including any risks to human health, would be material to the determination of a planning application but again, in terms of the Regulations, they are not considered to be significant.

It was also recognised that the UK Government had produced guidance, to assist LPAs in their interpretation of the Regulations, which stated that "sites seeking only to accept inert wastes (demolition rubble etc.) are unlikely to require Environmental Impact Assessment".



Although similar guidance had not been produced by the Welsh Government, the Schedule 2 Class 11 (b) description and thresholds in the English and Welsh versions of the Regulations are the same, and both are derived from the same primary legislation. It was considered reasonable, therefore, to note that guidance.

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

As set out within the application details further above, the proposed development seeks permission for the recycling of aggregate already within the quarry and inert construction and demolition waste, alongside the construction of fixed specialist plant to process it.

The LPA's opinion is that the recycling of the 1 million tonnes of previously worked aggregate falls within the scope of operations already permitted by the existing planning permissions and could be carried out with the use of mobile plant.

Consequently, Members are advised that the main matters for determination are the acceptability of:

- a) the introduction of an additional land use to the site for the carrying out of waste development; and,
- b) the construction of the aggregate recycling plant.

The national and local planning policy considerations relevant to the development are set out below:

#### PPW 12 and Future Wales 2040

FW2040 states that the value of mineral and material resources and the industry this supports is important at the local, regional and UK levels. In 2015 the minerals products industry supported 3,800 jobs directly and plays a vital role in supporting the Welsh construction sector, which represents 6% of the Welsh economy and provides 88,000 jobs.

Furthermore, FW2040 recognises that Aggregates underpin economic growth, providing construction related products essential for the delivery of placemaking, housing and infrastructure, with more needing to be done to increase the use of secondary and recycled materials.

Sustainable management of resources is one of the 11 Future Wales Outcomes, and progress is proposed to be reviewed every 5 years. Policy 19 includes a co-ordinated framework for minerals extraction and the circular economy, including waste treatment and disposal.

PPW also identifies that society will continue to need a wide range of minerals, being the principal constituents of most products. Construction-related minerals are noted

as being particularly important in Wales and are essential for housing and infrastructure purposes; thus, ensuring a continuity of supply is necessary.

However, paragraph 5.14.2 recognises that a planning authority has to balance the protection of amenity and the environment against what it describes as a “fundamental requirement”. This includes ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits.

PPW also states that despite the large mineral resources in Wales it is important not to waste them and each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals.

Paragraph 5.14.10 sets out that considerations of the supply of aggregates should be taken under the remit of the South Wales Regional Aggregates Working Parties, where a regional view of supply and demand is assessed via the Regional Technical Statement.

Paragraph 5.14.12 goes on to add that the contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals. Likewise, paragraph 5.14.22 advises that planning applications must consider the importance of aggregates to the UK and to conserve natural resources, and that particular emphasis should be given to increasing the use of primary materials, where appropriate.

The production and use of secondary, recycled aggregate ties in with PPW’s key planning and placemaking principles of developing a circular economy and the benefits this has to supporting effective waste management.

For example, paragraph 5.11.3 highlights that the planning system “facilitates materials recycling through advocating the use of secondary aggregates in construction” and that circular economy principles should underpin all developments to prevent the depletion of non-renewable resources. Consequently, PPW stipulates that planning authorities should encourage the recycling and re-use of construction and demolition wastes.

#### Minerals Technical Advice Note 1: Aggregates

Similar to PPW 12, MTAN 1 states that the overarching objective in planning for aggregates provision is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

Maximising the use of secondary and recycled materials, together with mineral waste, as intended by the proposed development, forms part of the 5 key principles of Minerals Planning Policy. This means that meeting the demand for aggregates must be through a number of sources of supply, and not just primary extraction.

Paragraph 34 also sets out that any future increase in total demand for aggregates over and above present levels of demand should be met wherever possible from secondary sources or recycled materials.

MTAN 1 considers that the establishment of a network of recycling centres for construction and demolition waste will enable materials to be processed and recovered for beneficial use. Noting that the cost of transport is a significant factor in the viability of such proposals, the document clarifies that beyond a distance of 25 km/ 15.5 miles it becomes more difficult to demonstrate a return. In terms of identifying the most acceptable locations for recycling construction and demolition waste, MTAN 1 specifies active quarries, with or without landfill, as one of them.

In addition, it is stated that any application for new aggregates quarries or any major extensions to existing quarries should be assessed carefully to ensure that the potential supply of aggregates from non-primary sources has been fully considered as part of the environmental assessment process – clearly implying that recycled aggregates are preferential to primary aggregate extraction.

#### Regional Technical Statement for Aggregates

The Regional Technical Statement for Aggregates (RTS) (produced by the South Wales Regional Aggregates Working Party - SWRAWP) was prepared to ensure that the national objectives for the supply of aggregates are met across South Wales.

The RTS, of which the 2nd review was published in 2020, expects local planning authorities to endorse its proposals, although apportionment of production and discussion of mineral land banks relates to primary won aggregate only.

In addition, the SWRAWP annual report, the most recent of which was published in May 2023 notes that “even though recycled materials play an important role as a substitute for primary aggregates it is difficult to obtain accurate figures of the volumes produced.”

Nonetheless, the annual report demonstrates that RCT has a landbank of less than 25 years, which includes both the limestone quarry at Forest Wood and sandstone quarry at Craig-Yr-Hesg and highlights the overarching objective of MTAN 1, which seeks to ensure a sustainably managed supply of aggregates.

The report reproduces the recommendations of the RTS 2nd Review and the future quantities of aggregate which need to be provided for from each Local Planning Authority area. Table 4 of the report includes crushed rock sales from 2018 to 2020

and highlights that there was a significant decrease in sales of 200k tonnes from both RCT and Merthyr.

For context, the RTS sets an annualised apportionment for RCT of 765k tonnes per year and 204k tonnes per year for Merthyr. Minimum future allocations for RCT are set at an additional 9.295m tonnes.

As mentioned, these apportionments relate to primary won aggregates, but are clearly relevant to the current proposal in that the use of recycled aggregates will help to reduce demand for primary won materials.

### Waste related policies and strategies

*Towards Zero Waste, One Wales: One Planet (June 2010)* proposes that by 2025 all sectors in Wales will recycle at least 70% of their waste, which includes businesses, households and the public sector. The recycling target for inert construction and demolition waste was for a minimum of 90% by 2019/20 and the means for delivery of this are set out in a specific sector plan.

Towards Zero Waste states that to make the most of valuable resources waste should be diverted from landfill and the best way to treat most waste to achieve this is for them to be recycled. The Strategy also addresses infrastructure issues and that capacity needs to be developed to manage waste and identify markets.

Two of the aforementioned sector plans relate to the proposed development and have been published by the Welsh Government: *Collections, Infrastructure and Markets Sector (CIMS) Plan (July 2012)* and *Construction and Demolition Sector Plan (November 2012)*.

The CIMS Plan considers the management of all waste in Wales, suggests where improved recycling is needed and seeks that the economic value of the recycled material stays in the Welsh economy. This plan also acknowledges that 81% of construction and demolition waste arises in South-East and South-West Wales.

The Construction and Demolition Sector Plan supports Towards Zero Waste, detailing outcomes, policies and delivery actions for organisations, companies and individuals involved with the construction and demolition sector in Wales. In order to meet the overall 90% recycling target for construction and demolition waste the Plan states that 98% of aggregates would need to be recycled.

Of some relevance is the *NRW Construction & Demolition Waste Arisings Survey for Wales (May 2022)* which is intended to be used by the Welsh Government and Local Authorities to inform waste planning. The survey states that aggregates include inert materials such as concrete, bricks, ceramics, and ballast, which form an important component of the construction and demolition waste stream.

In 2019 the Welsh construction and demolition sectors generated an estimated 3.43 million tonnes of construction and demolition waste, the majority of which was generated by the construction of civil engineering constructions (36%), general building (16%) and construction of domestic building (16%) sectors. 93% of this was sent for recycling, reuse offsite and landfill, which represents an improvement of 6% since 2012 and demonstrates that the Welsh Government's targets have been met in this regard.

Although the survey includes 'lessons learned' a set of recommendations, the latter relate primarily to survey methods, data capture, tracking and categorisation of waste and do not identify any particular actions required from a planning perspective.

Notwithstanding the above, Members will note from the NRW survey that the 90% recycling target established by Towards Zero Waste has already been exceeded which, therefore, raises the question of whether further aggregate recycling operations would be needed.

In this regard, it would be reasonable to acknowledge that the NRW survey provides information on a national and regional basis and can neither reflect the economics of recycled aggregate operations on a very local basis, nor fluctuations in demand or output.

The Applicant's Agent has also advised that the regulatory and market conditions have changed since the publication of Towards Zero Waste, the CIMS Plan and C&D sector plan in 2010 to 2012. Key to the ability to recycle aggregate using traditional "dry" crushing and screening approaches has been the availability of outlets for the fine fractions (<10mm) that can constitute 25% or more of incoming C&D aggregate waste loads. This fines fraction, consisting of soil and small aggregates, is a low value material, which due to its structure and performance, is suitable only for basic fill applications.

The Environmental Permitting regime has made it increasingly difficult to secure waste recovery permits and as a result, suitable projects that can use large quantities of this material are becoming increasingly rare. From a commercial perspective, the low value of this material does not permit its transport significant distances and as a consequence, where suitable construction or landscaping works are not in progress within the local area, recyclers often find a lack of available outlets other than to landfill.

As landfill represents a significant cost for the operator, large stockpiles then build up in recycling facilities on the hope of a large local construction project arising where the material can be used. This hampers operations and causes regulatory compliance challenges. For many years there has been a balancing act, with recycling facilities trying to find outlets for low grade fill material to ensure they retain sufficient space to enable them to continue operating.

In light of these challenges, the Agent has commented that the more forward-thinking companies within the aggregates recycling sector are responding by moving towards small scale technically-advanced separation technology such as that used in the proposed plant. These systems further separate the fine aggregate fraction into grits, sand and clay products using a wet separation process.

As with the larger sized aggregate fractions, a sustainable market exists in the construction sector for these higher performance products. Their relatively higher value also allows them to travel greater distances to construction works and as a result, it is possible to better manage operations and avoid large quantities of material building up on site. By avoiding the need to landfill significant quantities of fines fraction, and producing higher grade aggregate products to replace primary minerals, these facilities contribute to the achievement of Welsh Government targets

*PPW TAN 21 - Waste* supplements the policies of Planning Policy Wales and should be read alongside *Towards Zero Waste* and the relevant sector plans referenced above. The TAN provides further guidance on how the land use planning system should contribute towards sustainable waste management and resource efficiency.

This policy guidance states that planning authorities should take into account the objectives of *Towards Zero Waste* and highlights areas of Article 16 of the Waste Framework Directive, which set out the need for an integrated and adequate network of waste facilities in order to achieve sustainable waste management and reach the aims for self-sufficiency.

The TAN points out that waste should be disposed of or recovered in one of the nearest appropriate installations for waste recovery and it is important to manage such waste close to where it arises. These include reducing any detrimental environmental impacts associated with the transportation of waste and retaining the intrinsic value of waste as a resource.

The Waste Hierarchy (diagram 2.7) identifies recycling and the turning of waste into a new substance or product as a key function in the prevention of landfill or incineration without energy recovery. Paragraph 3.24 suggests that where there are longer term prospects for a sufficient and economic supply of demolition and construction waste from an appropriate catchment area, it may be appropriate to identify a permanent recycling repository or 'urban quarry' for this purpose.

Like MTAN 1, TAN 21 considers the location of waste management facilities and that new sites might be located within or adjacent to active or worked out quarries where site infrastructure is present, there are existing transport infrastructure links and there are existing planning permissions; subject to the cumulative effect of waste management facilities and other development on the wellbeing of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential being acceptable.

*Local Development Plan Policy CS10* adopts the national policy position and the need for RCT to contribute to local, regional and national demand for minerals. This policy is also supportive of developments which seek to promote efficient use of minerals, minimise waste and alternatives to primary won aggregates. The Policy also recognises the balanced decision which must be made, given the potential impact of such development on residential and sensitive occupiers

### Fallback position

Development Control Practice (DCP) advises that extant planning permissions or development rights related to land may be viewed as material considerations which may have a significant input into decision making.

Members will know that such considerations are normally known as the fallback position and not taking into account development which could take place, even if a current planning application were refused or an appeal dismissed, has been a matter upon which the courts have ruled on a number of occasions.

Therefore, as DCP advises, the fallback factor is normally regarded as an important element and one which must be rationalised, although the weight to be given depends on the real likelihood of any fallback actually being exercised in the event of refusal.

As referenced further above, the existing planning permissions enable an unlimited amount of extraction of rock and processing at the site, together with the production of asphalt.

The Council's records relating to Forest Wood, which include correspondence and reports of predecessor authorities, show that extraction peaked in the mid to late 1990's, increasing from 500k to 750k tonnes per annum under Pioneer's ownership before reducing to 300-350k tonnes per annum in the last ten or so years of Hanson's control.

Nonetheless, although initial output has been less under the Ryan Jones Group, whilst the new ownership has become established, the Applicant would be entitled to ramp up production to whatever level the site could physically sustain. In addition, as mentioned beforehand, planning permission would not be required to rework the 1m tonnes of discarded material with mobile plant.

Notwithstanding the other material matters considered within succeeding sections of this report, which help to establish whether the proposed development would have a significantly greater impact than the fallback position, the following points are highlighted:

Firstly, whilst the production of recycled aggregates from construction and demolition waste would increase the scope of permitted operations at the site, it is relevant to consider that recycled aggregates are promoted as an alternative to those primary

won on site. An assumption, therefore, that the development would suddenly result in a significant upturn in overall output would be misguided. The demand for either aggregate type, either singularly or in combination, would ultimately be determined by the market.

Secondly, although the production of recycling aggregates is a sustainable form of development which clearly aligns with national policy as a way of reducing demand for raw mineral resources, the level of HGV movements associated with it should be considered.

Needless to say, construction and demolition waste has to be removed from a development site and taken somewhere for disposal, whether that is to landfill or to recycling. This will result in HGV movements of some kind and thus, on a regional or national scale, neither option would likely cause more HGV trips than another.

However, the impact on local traffic would be specific to each case and for a recycling operation in an existing quarry, like that proposed at Forest Wood, the materials end up being transported twice, i.e., being brought onto site for processing and being taken back out to the customer; whereas the primary won aggregate only gets transported once.

As recorded elsewhere within the report, the transportation of any material is costly and to make a worthwhile return and make an aggregate recycling business more viable there would be an element of backhauling – so far as any operator is concerned, the greater the better.

Therefore, it is relevant to note that the whilst the proposed aggregate recycling element of the business would require a proportionately higher degree of local HGV movements per tonne of material, it would not be a doubling of those used for primary won aggregate.

Thirdly, remaining reserves are estimated to be approximately 4.3m tonnes in the RCT part of the quarry owned by the Applicant, which includes the previously worked material, and around 1m tonnes in the land retained by Heidelberg. Having spoken with representatives from both companies it would seem unlikely that there will be any agreement reached to work the reserve in Heidelberg's land.

### **Access and highway safety**

To aid comparison and in order to avoid any misinterpretation all calculations relating to vehicle movements, unless indicated otherwise, have been stated singularly. I.e., a 'trip', 'movement' or similar will be a one-way journey.

The Council's Highways and Transportation Section has provided the following assessment of the proposed development:



The proposal is for the treatment/recycling of quarry by-products and waste (aggregates recovery facility). The facility will receive, and process, inert aggregates and soils sourced from off-site excavation, construction and demolition activities, within the locality between Bridgend and Cardiff (approximately within a 15 mile/ 25km driving distance from the site).

The development will include the installation of an aggregate recovery plant, storage/stockpiles and ancillary works. The site would potentially process up to 200,000 tonnes per annum of quarry by-product and inert construction, demolition and excavation waste received from works carried out in the local area.

### Access

The site is located approximately 2.6km to the southwest of Pontyclun and 5.1km southwest of Talbot Green. The site forms part of the existing Forest Wood Quarry, located to the north of Cowbridge Road and is also occupied by a ready-mixed concrete batching plant and an asphalt plant. The development will make use of the existing access on the eastern boundary of the site, which is located within the Vale of Glamorgan Council's administrative area.

The A4222 Cowbridge Road is a principal classified road which provides a primary north/south route between the A473 and A4119 at Talbot Green and the A48 at Cowbridge.

### Accident Data

There has been just one collision in the vicinity of the site at the Cowbridge Road junction with Llanharry Road which involved a cyclist with the contributory factor being bright sun light causing the vehicle to not see the cyclist when leaving the junction.

The Council is aware of an additional accident on the A4222 which occurred to the south of the quarry within the Vale of Glamorgan administrative area, which regrettably resulted in a fatality.

The Police investigation indicates that a van crossed the centreline markings into the path of an oncoming HGV. There is no information available to indicate the HGV was associated with quarry operations.

### Existing Land Uses.

#### *Quarry*

Hanson Quarry Products Europe Limited (Hanson) acquired an interest in the site from Pioneer Aggregates (UK) Ltd in 2000 after which sales reduced from around 750,000 tonnes per annum (tpa) at their peak in the mid to late 1990s to between 300,000-400,000 tpa in more recent years.

This information has been sourced from correspondence between Rhondda Cynon Taf, its predecessor authorities and previous operators and, as advised by the Applicant, are consistent with information provided by the previous owner's Land Agent, based on royalties paid per tonnes quarried.

It should be noted that over the past 14 months, the average extraction at the quarry has been 173,000 tpa, rather than the previous average of 350,000 tpa. However, the extraction rate at the quarry, should it be required, could be increased to a higher level, without recourse to planning.

As it currently stands, the Applicant expects extraction rates to be in the region of 300,000 tpa. It is noted that vehicles used to transport material from the site are 8 wheeled rigid tipper vehicles carrying an average of 20 tonne loads. This figure would result in 30,000 annual single HGV trips or 577 single trips per week.

### *Asphalt Plant*

The output of the existing asphalt plant varies, with the most recent estimate being between 60,000 tpa and up to 100,000 tpa. There is no limit on the output and HGV movements which can be associated with this site as part of the existing planning permissions.

The asphalt plant operates 07:00 to 17:00 hours Monday to Friday, 07:00 to 12:00 hours on a Saturday and 07:00 to 13:00 on a Sunday but is closed on Bank Holidays.

It is assumed that materials are dispatched in average 16 tonne loads to take into account a combination of 20 tonne HGVs and smaller 'hot box' vehicles. There is no backhauling associated with the asphalt plant, with vehicles arriving empty and departing with a load.

All materials to make the asphalt are imported to the site, including stone, sand and bitumen binder. It has been assumed that this would be made up of 95% stone and sand and 5% bitumen, by weight. Stone and sand arrive in 20 tonne loads (8-wheel rigid tipper vehicles) and bitumen arrives in 24 tonne loads (articulated tanker). There is no backhauling associated with the materials being brought to the site.

An asphalt output in the range of 60,000 to 100,000 tpa would be expected to result in approximately 13,457 to 22,429 annual single HGV trips, or between 259 and 431 single trips per week.

### *Concrete Batching Plant*

As set out in the previous Transport Statement, there is a concrete batching plant on the site. This is not currently operating and is considered unlikely to operate again in the future, albeit that this could restart within the scope of the existing permitted

operations. This element of the site was predicted to be producing between 20,000 and 40,000m<sup>3</sup> of concrete per annum when in use.

This would have involved the import of sand and cement, in addition to the dispatching of materials in HGVs carrying 8m<sup>3</sup> loads and vehicles would have returned empty. The minimum estimate of 20,000 m<sup>3</sup> would require an import of 7,960 tpa of cement and 11,320 tpa of sand which would have been delivered by HGVs carrying 20 tonne loads.

### *Topsoil Manufacturing*

Part of the quarry is used for topsoil manufacturing by Freeland Horticulture and received planning permission via application 22/1126/10. This development uses an existing area of land contained within Forest Wood Quarry and is permitted to generate a maximum of 50,000 tonnes of topsoil product per year.

The finished topsoil is exported on 8-wheel tipper vehicles with a maximum capacity of 20 tonnes. This results in 5,000 annual single HGV trips or 96 single trips per week.

### Trip Generation

With regard to the HGV trip generation, this has been based on the proposed maximum output of the aggregate recovery plant of 200,000 tpa.

Vehicles transporting material to/from the site would be made up of 4-axle rigid tipper vehicles, capable of carrying 20 tonne loads and 6-axle tipper vehicles capable of carrying 29.7 tonne loads. There will be an average of 24.7 tonnes per load.

On this basis, there would be 8,097 loads in and 8,097 loads out per annum across 52 working weeks of the year, equating to 623 single trips per week and an average of 9.44 HGVs per hour. This is based on the site being operational for 66 working hours each week.

It should be noted, that in order for the site to run efficiently it is likely that a minimum of 30% backhauling will take place, as it would be inefficient and uneconomical to have vehicles driving around without moving loads to/from the site.

Accordingly, a 30% reduction has been applied to movements back to site, to take account of 30% of vehicles returning with a load of material to be recycled, rather than all coming back empty. The calculation for this is set out below:

- 5,668 trips out empty to collect waste;
- 5,668 trips in with full load of collected waste;
- 8,097 trips out to deliver recycled aggregate; and
- 8,097 trips in returning from delivery with waste.

A total of 27,530 HGV single trips per annum, 529 per week, or 8 per hour.

Without backhauling, the average HGV movements per hour would be 9.44, but with the backhauling applied as above, there would be 8 HGV single trips per hour, which equates to approximately one vehicle every 7.5 minutes.

As the worst-case scenario, it has been considered that staff would arrive in a single hour at the start of the day and leave in a single hour at the end of the day, with these movements coinciding with the network peak hours. In reality, the operating hours of the facility mean that a proportion of staff will arrive outside the peak hours.

The table below sets out the predicted trip generation of the site, for the morning peak hour when staff would be arriving and the evening peak hour when staff would be departing, as well as considering the daily trip generation, taking into account the methodology, as set out above. The assessment assumes that the HGV trips per hour would be split 50/50 for arrivals/departures.

	<b>Morning Peak Hour (07:00 - 08:00)</b>			<b>Evening Peak Hour (17:00 - 18:00)</b>			<b>Daily (07:00 – 19:00)</b>		
	<b>Arr</b>	<b>Dep</b>	<b>2-way</b>	<b>Arr</b>	<b>Dep</b>	<b>2-way</b>	<b>Arr</b>	<b>Dep</b>	<b>2-way</b>
Staff	10	0	10	0	10	10	10	10	20
HGVs	4.01	4.04	8.02	4.01	4.01	8.02	48.13	48.13	96.26
<b>Total</b>	<b>14.01</b>	<b>4.01</b>	<b>18.02</b>	<b>4.01</b>	<b>14.01</b>	<b>18.02</b>	<b>58.13</b>	<b>58.13</b>	<b>116.26</b>

As the table shows, the proposals are anticipated to generate 18.02 two-way trips in the peak operational hours for the site. Based on the assumptions set out previously, the site would generate 232.52 single vehicle trips, daily, with 192.52 of these being via HGV and 20 of these being in light vehicles.

#### Existing Traffic Levels: Automated Traffic Counts (ATCs)

The Applicant undertook ATCs in order to understand the existing use of the local highway network across the timeframe of a week.

The ATCs were positioned in such a way to assess the impact of the development, to the north and south of the access road (Sites 1 and 2), between Brynsadler and Pontyclun (Site 3) and to the north of Pontyclun (Site 4). The ATCs recorded two-way vehicle movements, separated by COBA vehicle classifications between Thursday 9th February and Wednesday 15th February 2023.

It was later noted that both ATCs on the Cowbridge Road, either side of the quarry entrance, stopped logging at some point after the last recorded vehicle passed at 01:25 on Sunday 12th February. The nature of the failure suggests they were tampered with. The Applicant was made aware of the issue on Monday 13th February

and the two ATCs were reinstalled on Wednesday 15th February. They suffered no further failures or tampering.

As a result of this investigation, TPS and Transport Surveys Ltd (TSL), the ATC installation contractor, identified an error in the data logs that were originally supplied. Unfortunately, the failure and replacement of the ATCs was not picked up by the technician compiling the data and in the data logs issued to TPS, which showed the traffic counts to have taken place on 7 sequential days starting on 9th February.

Therefore, the dates of the traffic counts presented in the Transport Assessment are 9th – 11th February and 19th – 22nd February 2023. For clarification purposes, only the dates, rather than the data are incorrect, and the logs cover a full week of traffic counts. This is considered a valid data set for the purpose of the assessment.

A summary of the recorded data is provided in the tables below.

Site 1 – south of site access, A4222 Cowbridge Road

Site 1	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
<b>Vehicles</b>	28531	4631	4659	3392	3009	4019	4289	4532	4076	4301	3796
<b>Lights</b>	27655	4472	4531	3339	2958	3870	4121	4364	3951	4165	3655
<b>HGVs</b>	876	159	128	53	51	149	168	168	125	135	140
<b>HGVs as a % of total traffic</b>	3.1	3.4	2.7	1.6	1.7	3.7	3.9	3.7	3.1	3.1	3.7

Site 2 – north of site access, A4222 Cowbridge Road

Site 2	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
<b>Vehicles</b>	29642	4876	4868	3429	3083	4239	4473	4674	4235	4464	3969
<b>Lights</b>	28375	4620	4674	3387	3028	3983	4231	4452	4054	4273	3756
<b>HGVs</b>	1267	256	194	42	55	256	242	222	181	191	213
<b>HGVs as a % of total traffic</b>	4.3	5.3	4	1.2	1.8	6	5.4	4.7	4.3	4.3	5.4

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road

Site 3	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
<b>Vehicles</b>	86810	13312	13439	10626	9405	13283	13457	13288	12401	12824	11235
<b>Lights</b>	84402	12915	13041	10379	9181	12934	13038	12914	12057	12457	10898
<b>HGVs</b>	2408	397	398	247	224	349	419	374	344	367	337
<b>HGVs as a % of total traffic</b>	2.8	3	3	2.3	2.4	2.6	3.1	2.8	2.8	2.9	3

#### Site 4 – north of Pontyclun, A4222 Cowbridge Road

Site 4	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
<b>Vehicles</b>	88663	13741	14206	10951	8714	13576	14041	13434	12666	13275	11637
<b>Lights</b>	86671	13352	13873	10738	8626	13245	13712	13125	12382	12960	11337
<b>HGVs</b>	1992	389	333	213	88	331	329	309	285	315	300
<b>HGVs as a % of total traffic</b>	2.2	2.8	2.3	1.9	1	2.4	2.3	2.3	2.2	2.4	2.6

As can be seen in the tables HGVs make up only a small proportion of the total traffic volume in each survey location, varying between 2.6%-5.4%. Utilising the five-day average for HGVs (i.e., weekdays), across the 12-hour study period at each site there are on average, between 24 and 56 single HGV vehicle movements per hour.

#### Traffic Impact Assessment

In order to provide a robust assessment of the impact of the proposed development, it has been assumed that 90% of traffic will arrive/depart from the north, towards the M4, with the remaining 10% of traffic arriving/departing from the south.

Given this, no further assessment was undertaken at Site 1, to the south of the site access, as it is estimated that there would be, on average, 16 single HGV movements in this direction per day and, therefore, the impact would be negligible.

Based on the trip generation set out above, the predicted daily, weekly, 7-day average and 5-day average trip generation at ATC sites 2, 3 and 4 (to the north), is outlined in the table below.

Predicted Trip generation through sites 2, 3 and 4.

	<b>Weekly</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>7-day avg</b>
<b>Vehicles</b>	586	105	105	61	0	105	105	105	83
<b>Lights</b>	108	18	18	18	0	18	18	18	15
<b>HGVs</b>	478	87	87	44	0	87	87	87	68

As can be seen above, the development is predicted to generate a total of 586 single vehicle movements per week, to the north of the site, of which 478 would be HGVs. This equates to a seven-day average of 68 additional HGV movements per day through ATC sites 2, 3 and 4 with an approximate average of 6 vehicles per hour, which would be imperceptible in the context of the existing use of the local highway network.

In order to assess the above trip generation, in the context of the existing use of the local highway network, the tables below set out the base and predicted scenario for weekly and seven-day averages. Also included, for ease of reference, is the existing HGV percentage, in the context of all vehicles, at each site.

Site 2 – north of site access, A4222 Cowbridge Road

<b>Site 2</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	30226	4318
<b>Lights</b>	28483	4069
<b>HGVs</b>	1743	249
<b>Predicted HGVs as a percentage of total traffic</b>	5.8	5.8
<b>Existing HGVs as a percentage of total traffic</b>	4.3	4.3

For Site 2, the proposed development would result in a 1.5% percentage point increase in HGVs as a percentage of existing traffic. It is considered that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

Reviewing the base ATC data for Site 2 demonstrated that there were between 176 and 233 HGVs per day across the 5 weekdays surveyed, a range of 57 vehicles. Given

the proposed development is expected to generate 78 HGVs, this is comparable to the daily fluctuation surveyed.

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road

<b>Site 3</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	87394	12485
<b>Lights</b>	84510	12073
<b>HGVs</b>	2884	412
<b>Predicted HGVs as a percentage of total traffic</b>	3.3	3.3
<b>Existing HGVs as a percentage of total traffic</b>	2.8	2.8

For Site 3 the proposed development would result in a 0.5% percentage point increase in HGVs as a percentage of existing traffic. It is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

Reviewing the base ATC data for Site 3 showed that there were between 315 and 356 HGVs per day across the 5 weekdays surveyed, a range of 41 vehicles. Given the proposed development is expected to generate 78 HGVs, this represents only 37 HGVs more per day, than the difference between the busiest and quietest weekdays, in terms of HGVs.

Site 4 – north of Pontyclun, A4222 Cowbridge Road

<b>Site 4</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	89247	12750
<b>Lights</b>	86779	12397
<b>HGVs</b>	2468	353
<b>Predicted HGVs as a percentage of total traffic</b>	2.8	2.8
<b>Existing HGVs as a percentage of total traffic</b>	2.2	2.2

For Site 4 the proposed development would result in a 0.6% percentage point increase in HGVs as a percentage of existing traffic. Again, it is considered, in the context of these being generated across a 12-hour working day, that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

The base ATC data for Site 4 records between 273 and 349 HGVs per day across the 5 weekdays surveyed, a range of 76 vehicles. Given the proposed development is



expected to generate 78 HGVs, this is also comparable to the daily fluctuation experienced.

Traffic Impact Assessment: 10-year interim period

In addition to the worst-case scenario presented previously, there is a need to consider that there are approximately 1,000,000 tonnes of quarry by-product on the site, which the Applicant intends to process using the proposed aggregates recovery plant. It is estimated that it could take up to 10 years to process this product, at an average of 100,000 tpa.

For the ten-year period from opening, this would effectively halve the maximum capacity of the facility each year, which would reduce the overall movements to/from the site by half, 100,000 tonnes of material would originate from the quarry site and not be brought from external sites.

Given the above, it is important to consider the impact of the development over the 10-year period from opening, estimated to be 2025. The tables below set out the trip generating impact at ATC sites 3, 4 and 5 based on only 100,000 tonnes of the maximum 200,000 tonnes of material that can be processed each year, being brought from off-site. The number of staff on-site would remain the same, 10, as the site would still be working at maximum capacity, 200,000 tonnes.

Site 2 – north of site access, A4222 Cowbridge Road – sensitivity test

<b>Site 2</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	30010	4287
<b>Lights</b>	28483	4072
<b>HGVs</b>	1527	224
<b>Predicted HGVs as a percentage of total traffic</b>	5.1	5.2
<b>Existing HGVs as a percentage of total traffic</b>	4.3	4.3

For Site 2, in the interim 10-year period, the proposed development would result in a 0.8% percentage point increase in HGVs above the existing levels of HGVs.

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road – sensitivity test

<b>Site 3</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	87178	12454
<b>Lights</b>	84510	12075
<b>HGVs</b>	2668	387

<b>Predicted HGVs as a percentage of total traffic</b>	3.1	3.1
<b>Existing HGVs as a percentage of total traffic</b>	2.8	2.8

For Site 3, in the interim 10-year period, the proposed development would result in a 0.3% percentage point increase in HGVs above the existing levels of HGVs.

Site 4 – north of Pontyclun, A4222 Cowbridge Road – sensitivity test

<b>Site 4</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	89031	12719
<b>Lights</b>	86779	12400
<b>HGVs</b>	2252	328
<b>Predicted HGVs as a percentage of total traffic</b>	2.5	2.6
<b>Existing HGVs as a percentage of total traffic</b>	2.2	2.2

For Site 4, in the interim 10-year period, the proposed development would result in a 0.3% percentage point increase in HGVs, above the existing levels of HGVs at Site 4.

At sites 2, 3 and 4, it is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and would be less than the observed daily fluctuations in HGVs, as observed at each ATC site, as explained earlier.

#### Traffic Impact Assessment: 2035 Base + Development – Sensitivity Test

It is estimated that if/when planning consent is granted, it would take approximately 12-18 months to conclude the plant purchase, manufacture the plant, mobilise and subsequently construct the facility. With this in mind, the opening year of the development is likely to be early 2025. Given that for the first 10 years of operation of the site, the actual trip generating impact of the development would be less, it is important to consider the impact of the development, beyond the 10-year period, when all the quarry by-product has been processed and the plant could be processing 200,000 tonnes of material imported from external sites.

With this in mind, an additional assessment of the impact of the development was undertaken, 10 years post opening year, in 2035. Base traffic flows (2023) have been factored to an opening year of 2035, using National Traffic Model forecasts, factored with TEMPRO for Rhondda Cynon Taff 031, to take account of where the site is situated and where the ATCs were located. The resultant growth rates that have been applied to the observed daily traffic movements as follows:

- Average Weekday – 1.0743

The above traffic growth factor has been applied to the base 2023 traffic flows and then the impact of the development traffic in this year, reassessed. The results of this assessment are set out in the tables below:

Site 2 – north of site access, A4222 Cowbridge Road – 2035 sensitivity test

<b>Site 2</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	32429	4633
<b>Lights</b>	30591	4370
<b>HGVs</b>	1838	263
<b>Predicted HGVs as a percentage of total traffic</b>	5.7	5.7
<b>Existing HGVs as a percentage of total traffic</b>	4.3	4.3

For Site 2 in 2035, the proposed development would result in a 1.4% percentage point increase in HGVs as a percentage of existing traffic. This represents a 0.1% percentage point decrease when considered against the 2023 Base+ Development scenario, owing to the growth in background traffic, diluting the impact of the proposed development.

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road – 2035 sensitivity test

<b>Site 3</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	93844	13406
<b>Lights</b>	90781	12969
<b>HGVs</b>	3063	438
<b>Predicted HGVs as a percentage of total traffic</b>	3.3	3.3
<b>Existing HGVs as a percentage of total traffic</b>	2.8	2.8

For Site 3 in 2035, the proposed development would result in a 0.5% percentage point increase in HGVs as a percentage of existing traffic. This is comparable with the 2023 Base + Development scenario, where there would also be a 0.5% percentage point increase in HGVs.

Site 4 – north of Pontyclun, A4222 Cowbridge Road – 2035 sensitivity test

<b>Site 4</b>	<b>Weekly</b>	<b>7-day average</b>
<b>Vehicles</b>	95835	13691

<b>Lights</b>	93219	13317
<b>HGVs</b>	2616	374
<b>Predicted HGVs as a percentage of total traffic</b>	2.7	2.7
<b>Existing HGVs as a percentage of total traffic</b>	2.2	2.2

For Site 4 in 2035, the proposed development would result in a 0.5% percentage point increase in HGVs as a percentage of existing traffic. This is comparable with the 2023 Base + Development scenario, where there would also be a 0.6% percentage point increase in HGVs.

Again, at sites 2, 3 and 4, it is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

The impact of the proposed development in each of the scenarios assessed is not considered significant. The table below summarises the seven-day average of predicted HGVs as a percentage of total traffic for each of the scenarios assessed:

#### Summary of Assessments

	<b>HGVs as a percentage of total vehicles (7-day average)</b>		
	<b>Site 2</b>	<b>Site 3</b>	<b>Site 4</b>
<b>2023 Base</b>	4.3	2.8	2.2
<b>2023 Base + Development</b>	5.8	3.3	2.8
<b>10 Year Interim Assessment</b>	5.2	3.1	2.6
<b>2035 Base + Development</b>	5.7	3.3	2.7

As set out previously, at sites 2, 3 and 4, it is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and it has been demonstrated that the uplift in HGVs is similar to daily fluctuations in HGVs flows.

#### Previous ATCs undertaken by the Council.

In 2009 the Council carried out ATCs on the A4222 to the north of the quarry access which indicated 31977 two-way vehicle movements over a 7-day period with 10.9% of vehicles being class 4 and above HGV vehicles.

In 2019 ATCs at the same location indicated 38049 two-way vehicle movements over a 7-day period with 3.7% of vehicles being class 4 and above HGV vehicles.

In 2021 the ATC recorded further observations at the same location which indicated 34274 two-way vehicle movements over a 7-day period with 10.8% of vehicles being class 4 and HGV vehicles. It should be noted that the results in 2021 would have been undertaken during Covid restrictions.

### Other Development Issues

#### *Internal Circulation*

Ample space has been provided within the site to ensure all vehicles can enter and exit the development in forward gear. No concerns are raised regarding circulation.

#### *Off-street vehicular parking provision*

The Council's adopted SPG gives no specific off-street parking requirement for an aggregates recycling facility. Space has been provided for 11 off-street car parking spaces and the site is located well away from the publicly maintained highway.

Since the Transport Assessment advises that there will be up to 10 full-time employees based at the site there are no concerns in this regard.

#### *Neighbouring Authority Observations*

The access to the proposed / existing quarry is within the administrative area of Vale of Glamorgan who have responded to the consultation.

It is noted that the Vale of Glamorgan Highway Authority has no objection in principle to the proposal, but has suggested local improvements such as the installation of warning signs and road markings, details of wheel cleaning facilities and for loaded HGVs to be sheeted

### Summary

The application site is served from a principal route (A4222) via an existing access to the quarry. There have been no accidents in the vicinity of the site access for the latest 5-year period.

The amount and type of vehicles to be used would not raise cause for concern with regard to the use of the existing access point and the highway network.

Even considering the worst-case scenario of 200,000 tpa of construction and demolition waste being delivered to the quarry; without backhauling, the average HGV movements per hour would be 9.44, but with backhauling applied there would be 8 HGV movements per hour - approximately one vehicle every 7.5 minutes.

The ATC results and traffic generation scenario models outlined further above demonstrate the network has capacity and the development would, in percentage terms, add only marginally to traffic levels, with the latter already being subject to significant variation between different days of the week.

The Transport Assessment September 2023 demonstrates that the percentage increase of HGV vehicles associated with the recycling facility will be a negligible increase of only 0.3%-1.6% compared to the existing traffic along the Cowbridge Road (A4222).

Lastly, the ATC had a break in the results provided. However, the information submitted provides for a seven-day total and is therefore a fair reflection on the existing traffic flows.

Taking the above into consideration and noting the Applicant's fallback position of unrestricted output for the existing permitted operations, no highway objection is raised subject to the additional signage recommended by the Vale of Glamorgan Council and conditions to secure the details of wheel washing facilities and the sheeting of HGVs.

## **Noise**

A Noise Assessment, carried out in accordance with BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound), was submitted with the application for the purposes of assessing any adverse impacts from noise at nearby Noise Sensitive Receptors (NSR) that could arise as a result of the proposed development.

Initial results indicated that mitigation measures would be required to ensure no unacceptable impacts to third parties; consequently, modelling was undertaken on the basis of three acoustic barriers being located within the site to minimise sound levels at nearby NSRs.

However, on review of the Assessment the Council's Public Health Section identified a requirement for further mitigation to ensure that noise from the development would be below or no greater than existing background levels.

The reason for this is that the Assessment indicated an adverse impact on residential amenity for two properties on a Saturday and an increase of noise levels on weekdays and further monitoring for a NSR was identified.

MTAN 1 states that where aggregates extraction and related operations occur close to areas that are sensitive to noise, particularly residential areas, noise impact must be minimised to acceptable levels. Therefore, where the effects cannot be adequately controlled or mitigated, planning permission should be refused.

Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings provides advice on the monitoring and assessment of noise levels. Although

over 30 years old this still has some relevance in terms of the need to determine existing noise levels, options for noise abatement and any statutory considerations.

The guidance also confirms that whilst conditions can be considered to set and monitor noise limits, the Environmental Protection Act may control noise pollution where it is determined to be a statutory nuisance.

A Revised Noise Assessment was submitted and included a number of amendments to meet the target proposed by Public Health. The key changes, incorporated within a plan drawing, include the following:

- Reducing the ground level in the crushing and screening area by 3m.
- Reconfiguring the acoustic barriers in the vicinity of the crusher and loading ramp/feed hopper.
- Implementing a one-way system around the site.
- Adding an acoustic barrier to the south-east of the aggregates recycling plant.
- The other acoustic bund, to the south-east of the crushing area would remain unchanged.

These additional measures help to demonstrate compliance with paragraph 11 of PPW TAN 11, which suggests mitigation may be achieved by engineering or layout options and as demonstrated by the correspondence with the Applicant's Agent, have been discussed so that they could be included within the development design, rather than being left to condition.

The Noise Assessment concludes that the proposed development would not be likely to cause an adverse impact to the NSRs; likewise, the Council's Public Health Section has since confirmed that it is satisfied with the Assessment and proposed mitigation.

## **Air Quality**

### *Traffic*

Initially the application was not supported by an air quality report so, in consultation with Public Health colleagues, the Applicant's Agent was asked to provide one so that the impact of the additional HGV movements on air quality could be assessed.

The report was received and later updated to reflect corrections to the Transport Assessment, following the discovery of mathematical errors within the projected vehicle movements.

Both the Air Quality Report and Addendum have modelled the existing and proposed additional traffic data at 34 receptor points in respect of oxides of nitrogen and particulate matter. These receptor points include consideration of the route through RCT from the quarry to the M4 with a focus, as requested, on Talygarn, Brynsadler and Pontyclun.

The air quality impacts have been assessed using the latest planning guidance from Environmental Protection UK (EPUK), the Institute of Air Quality Management (IAQM) and the Department for Environment, Food and Rural Affairs (Defra).

The Reports note that the proposed development itself does not lie within an Air Quality Management Area (AQMA) and development traffic related to the proposed development does not travel through an AQMA.

The assessment considered transport emissions associated with the proposed development for the earliest year of operation (2023). The annual mean and one hour mean nitrogen dioxide objectives are forecast to be met at all modelled receptors. The PM10 concentration is also forecast to meet its respective long and short term Air Quality Objective (AQO) by a considerable margin at all modelled receptors. The PM2.5 concentration is forecast to meet its AQO at all receptors.

These results show that any air quality impact of the development and associated traffic would be negligible for all pollutants at all modelled receptors, as would be expected given the relatively small increase in traffic, compared with existing vehicle movements on this route. Therefore, the proposed development is not considered to have a significant effect on local air quality and further mitigation measures are not required.

It can therefore be concluded that the proposed development would not conflict with national, regional and local air quality planning guidance because it does not result in significant negative impact on air quality. The Council's Public Health and Protection Division has confirmed its agreement with these conclusions.

### *Dust*

MTAN 1 states that where dust is demonstrated to have the potential to affect the use of land the Welsh Government takes the view that it is a material planning consideration. So, although the quarry is located in a rural location, there are a number of residential properties and businesses nearby, whilst the ability of wind to carry particles some distance towards sensitive receptors is not disputed.

Although the document also instructs planning authorities to consider the impact on public health a Health Impact Assessment is not considered necessary since the development is neither for a new quarry or sand and gravel pit.

However, the operation of equipment, the processing, management and storage of materials, plus additional vehicle movements on and off site has the potential to create additional dust in what would be an intensification of use of this part of the site. Hence, it is considered reasonable to recommend a condition for the submission of a dust management scheme for approval.



## Visual Impact and Historic Environment

Cadw has assessed the potential impact of the development in respect of the Scheduled Monument: PGW(Gm)41(GLA) Hensol Castle and Registered Park and Garden: PGW(Gm)8(RCT) Talygarn.

It was noted that further information had been provided to support the application, which included a series of viewpoints and zones of theoretical visibility (ZTV) plan to the highest elements of the fixed plant, i.e., the filter press at just under 13.7m and feed hopper at 10.5m.

The details demonstrate that the development would only be visible from the western periphery of Talygarn Park and to a limited degree from a corridor in the west of Talygarn Mansion and with regard to Hensol Castle, which is located approximately 2km away to the south-east, Cadw considers that the development would be wholly visible from a point along the western edge of the site.

Nonetheless, Cadw is of the opinion that the proposed development is not in the identified significant views of either historic asset and will be seen in the context of the rising ground behind it and alongside the existing buildings at the quarry, which have already altered the views in this direction. As such whilst there may be a very slight visual change in the view from Talygarn Park and Hensol Castle this will not have any effect on the way that they are experienced, understood, and appreciated.

It should be pointed out that the aforementioned ZTV plan has been produced using computer terrain modelling. This is a process where the elevations of a development are tested against a three dimensional model.

The reason that it is 'theoretical' is that it works on a bare earth model and does not include buildings or vegetation for example. It would, therefore, produce a 'worst-case' scenario. Also worth noting is that the ZTV does not take into account the effects of distance and thus the significant effect that distance would have on reducing the visual impact.

In more general terms of visual impact, the ZTV plan makes it evident that parts of the development, particularly the filter press, will be visible from further afield, although these would mostly be limited to partial views from the east, north-east and south-west.

It is from this aspect that the quarry can already be viewed and Members who are familiar with the route along the Cowbridge Road, travelling away from Brynsadler to the south-east, will likely have noted the quarry's presence and particularly the tall structures which are part of the asphalt plant.

In addition to the range of sectional drawings, which demonstrate how the new plant would relate to the existing quarry levels and, in particular the vegetation surrounding

it, the Applicant has supplied a drawing to show the comparative heights between the new plant and the existing asphalt plant.

This drawing shows that the two towers of the latter are 35m and 36m in height, whereas the tallest part of the new plant – the filter press – would be just under 13.7m high. The towers occupy a part of the site 8m lower than that where the new plant would be erected and would therefore appear to be approximately 14m higher because of this.

For the reasons outlined above it appears that the new plant would be visible from areas outside of the application site, towards the M4, Brynsadler and the Vale of Glamorgan. However, the impact would be considered to be a local one and would neither have an undue level of prominence in the wider landscape or be considered to cause detriment to the closest neighbouring landowners and occupiers.

## **Environment and Ecology**

The most recent versions of PPW, in this case Chapter 6, have introduced specific requirements for new developments to demonstrate ecological mitigation and enhancement, via a step-wise approach, to deliver a biodiversity net benefit. In addition, PPW 12 states that all planning applications should be supported by a Green Infrastructure (GI) statement.

PPW 12 advises that GI statements should describe how green infrastructure has been incorporated into the proposal and will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach has been applied.

A GI statement has been provided alongside a revised Ecological Management Plan (EMP), the latter being amended to reflect the concerns of the Council's Ecologist and the desire to provide mitigation and enhancement both in respect of the development and other quarry-related woodland clearance.

Following discussion with the Ecologist and Applicant's Agent a larger area of woodland has been included within the EMP. The Ecologist has confirmed that while part of this additional woodland is within the Vale of Glamorgan area it is directly connected to the remnant RCT area woodland, and its inclusion provides a much better mitigation balance.

The EMP identifies how the valuable ecological features of the site will be restored, managed and enhanced to increase the value of the site for wildlife. Furthermore, subsequent management and monitoring measures will be put in place to ensure the short and long-term security of the woodland and prevent further habitat loss.

The EMP comprises the following reporting actions:

- Description and evaluation of features to be managed and created.
- Ecological trends and constraints on site that could influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives and prescriptions for management actions.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 20-year period).
- Body or organisation personnel responsible for implementation of the plan.
- Monitoring, contingencies and remedial measures.
- Legal and funding resources and mechanisms to ensure sustainable long-term management delivery.

An annual report detailing the results of the monitoring will be prepared in years 1, 3, 5, 10, 13, 16 and 20 and issued to the Local Planning Authority.

At the end of the twenty-year management plan a report detailing the work undertaken and the results of the monitoring reviews in the intervening years will be produced and submitted to Rhondda Cynon Taff County Borough Council and Vale of Glamorgan Council.

At year 20 the management plan will be reviewed and amended, if appropriate, to cover another appropriate period of management.

The Council's Ecologist has confirmed that the most recent iteration of the EMP is now acceptable and the GI statement and assessment better reflects the EMP. Members will note that the list of recommendations below includes a condition requiring compliance with the EMP.

Although one of the conditions recommended by NRW in their correspondence was also for the submission and approval an EMP, the scope of detail sought by them has already been covered, as set out above.

Nevertheless, both NRW and the Vale of Glamorgan Council's Ecologist have recognised that the revised PEA identifies the need for bat-friendly lighting to be installed and a separate condition is recommended accordingly.

Lastly, NRW notes that there is a watercourse in close proximity to the eastern boundary of the site. Due to the topography of the area and without appropriate management, polluted surface water could enter this water course. To ensure sufficient control of pollution prevention for the water environment is achieved a further condition for a Construction Environmental Management Plan (CEMP) has been included.

## **Non Material Matters**

Other matters raised by objectors and not addressed within the preceding sections of the report were raised, although, as outlined below, they are not considered to be material planning issues:

- The impact of traffic generated by new housing development in the Llanharry area, together with any financial or other contributions deemed necessary to mitigate that impact, will have been addressed during consideration of those separate planning applications.
- Quarrying has taken place at the site for over 100 years and benefitted from planning permission, per the IDO of 1947. Whether or not that permission should have been granted is not material to the current proposal. However, it is noted that larger scale quarrying has been carried out for at least 45 years.
- There is no mechanism for the Local Planning Authority to seek the surrender of the existing planning permissions for the site and any consideration of the pros and cons of the ongoing quarry operations would not be germane to the current application.
- Other than for any considerations relating to planning policy, the viability or financial sustainability of a business venture is irrelevant. It is unlikely that the Applicant would commit to the level of expenditure required to erect the fixed plant if there was not a high level of confidence in its viability.
- As previously noted, some parts of the quarry – the later extensions – are not being worked due to the separate ownership issue.
- The impact of a development upon property values is not a material planning concern.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW 12 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, the proposed development is considered to relate particularly well to the following aspects of the national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development would be located in an appropriate location, per MTAN 1 and TAN 21, where it would least be likely to have an adverse impact and would support the network of construction and demolition waste recycling at a site that the planning guidance seeks.
- **Making Best Use of Resources:** The development accords with the local and national policy aims to prioritise the use of previously developed land and the development would help to both divert waste from landfill and reduce the reliance on primary won aggregates.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms securing new and existing jobs, as well as a contribution to the construction sectors which are reliant on a steady supply of aggregates. The development would provide a long-term, sustainable recycling operation in support of the circular economy aspirations outlined within PPW 12.
- **Maximising Environmental Protection:** The development would be subject to an Ecological Management Plan which sets out restoration, management and enhancement of ecological features around the site. The Council's Ecologist has approved the scope and content of the Plan; thus, a biodiversity net benefit can be expected.
- **Facilitating Accessible and Healthy Environments:** The application site is in an ideal rural location where the aggregate recycling processes are less likely to have a direct impact on residential amenity. Whilst the HGV traffic associated with the existing and proposed development is recognised, the air quality reporting and response from the Council's Highway and Transportation Section has qualified that the impact would be acceptable.

### **Unilateral Undertaking**

Although the Council's Highways and Transportation has considered the proposed development, as submitted, to be acceptable, the Applicant and business owner, Ryan Jones, has recognised the community concerns relating to the impact of HGV movements.

The Applicant has therefore offered to make any planning permission subject to a unilateral undertaking restricting output by tonnage, in respect of the proposed aggregate recycling development, existing primary won aggregate, asphalt plant and any concrete production, with a combined limit of 600,000 tonnes per annum.

A unilateral undertaking, like a Section 106 agreement, is a legal deed where developers commit to specified obligations however unlike S106 agreements they don't have to be entered into by the Council. A unilateral undertaking comes into effect when planning permission to which they are linked is granted.

Currently, the output from the asphalt plant is estimated to be up to 100,000 tpa, which means that the remaining capacity of 500,000 tpa would apply to aggregate sales. This figure would give both certainty to Members and local communities and sufficient

headroom for the Applicant to manage any production issues and respond flexibly to varying market demand.

Since the existing planning permissions for the site enable unrestricted output of aggregate and asphalt, and the output of the former has ranged anywhere between 300,000 tpa and a peak of 750,000 tpa, the offer of the unilateral undertaking is considered to be a reasonable one.

### **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 preceding sections of the report have set out the local and national planning policy position relating to minerals and waste development, particularly that contained within FW2040, PPW12, MTAN 1, TAN 21 and LDP Policy CS10 as well as related guidance, regional strategy and the relevant sector plans.

The proposed construction of the fixed aggregate recycling plant, for the reworking of materials already within the site and the recycling of inert construction and demolition waste, aligns with all of the above. Specifically, in support of the Welsh Government's aims the development would:

- Support the operation of national sustainable mineral policy.
- Provide an adequate, steady and sustainable supply of aggregate.
- Promotes the use of recycled materials.
- Contribute towards the circular economy.
- Reduced dependence on primary won minerals.
- Appropriate location for the development.

Most other material matters of concern, such as the visual impact, ecological management, potential noise or dust creation, can either be seen to have been addressed by the detail supporting the application or can be controlled by condition. Additional information requested by the Local Planning Authority, on behalf of statutory consultees, has been provided and found to be satisfactory in each respect.

Nevertheless, the ongoing concerns in respect of highways infrastructure and the traffic movements that would be generated by the proposal are acknowledged and not underestimated.

However, the scope of the proposed development set against the historical operation of the quarry, the fallback position of unrestricted extraction and output and the Applicant's willingness to enter a Unilateral Understanding to restrict tonnages from both existing and new operations, have also been considered in the planning balance.

Consequently, it is considered that the benefits of the proposed development and the national planning policy framework weigh very heavily in favour of the proposal, thus the application is recommended for approval.

**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A UNIVERSAL UNDERTAKING AGREEMENT**

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

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

2. The development hereby approved shall be completed in accordance with the approved drawings:

- Site Plan 11089-000-C Rev B (received)
- Sections I 11089-000-D Rev B
- Sections II 11089-000-E Rev B
- Sections III 11089-000-F Rev B
- Sections IV 11089-000-G Rev B
- Drainage Plan 11089-000-I Rev A
- Aggregates Recovery Plant – Plans and Elevations 11089-001-B
- Acoustic Barrier Design – Barrier A 11089-001-C
- Acoustic Barrier Design – Barrier B 11089-001-D
- Comparative Heights 11089-000-K
- Local Improvements (Highway Signs) 23100.OS.101.01 (Rev C)

and details and documents received on 22nd September 2022, 4th May 2023, 28th September 2023, 14th December 2023 and 5th February 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, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- 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.
- 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.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure protection of nearby watercourses and ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development, including site clearance, shall commence until a scheme for the management and suppression of dust has been submitted to and approved in writing by the Local Planning Authority. The scheme should include the control of dust relating to the operation of the aggregate recycling plant, the processing and storage of materials and their transport within and off site. All loaded HGVs entering and leaving the site shall be sheeted.

The development shall be carried out in accordance with the approved scheme thereafter and any physical measures required to deliver the scheme shall be maintained until the use ceases.

Reason: In the interest public health, highway safety and the amenity of third parties, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to its installation, full details of lighting, per the recommendations within section 4.4.6. of the PEA (Acer Ecology, dated February 2023) shall be



submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, in particular all retained woodland and scrub habitats, as well as areas of compensation planting.
- Details of lighting to be used both during construction and operation.
- Measures to monitor light spillage once development is operational.

The lighting shall be installed and retained as approved during construction and operation.

Reason: To reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. The development shall be carried out in accordance with the Ecological Management Plan Revision 3.0 (Acer Ecology, dated 16th February 2024) and all features, enhancement and mitigation measures, management, monitoring and reporting, as set out within the Plan, shall be undertaken in accordance with the approved details.

Reason: in the interests of ecology and to demonstrate a biodiversity net benefit in accordance with PPW12 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. The total quantity of recycled aggregate exported from the site shall not exceed 200,000 tonnes measured over a 12 month period starting from the date when the development is first brought into use.

From the date of the commencement of the development, for which the operator shall notify the Local Planning Authority in advance and in writing, the operator shall maintain daily records of the following:

- a) The vehicle movements in and out of the site.
- b) The quantity of construction and demolition waste delivered to the site.
- c) The quantity of recycled aggregate product exported from the site.
- d) The details of any complaints that have been received and remedial action taken.

These records shall be made available for inspection by the Local Planning Authority on request.

Reason: In the interest of highway safety and to clearly define the scope of the permission in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Use of the development shall be operated in accordance with the submitted report *Sound Assessment: Aggregate Recycling facility, Forest Wood Quarry* (Noise Consultants Ltd, report 13014B-20-R01-03-F dated 13th December 2023).

All physical mitigation measures identified within the report and drawing number 11089-030-A shall be implemented prior to beneficial use and maintained in good condition until the use ceases.

Reason: In the interest of third party amenity and public health in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No construction and demolition waste other than that classed as being non-hazardous, as listed below and as defined by *Waste Classification - Guidance on the classification and assessment of waste (1st Edition v1.2.GB) Technical Guidance WM3*, published jointly by NRW, EA and SEPA, shall be brought onto the site for recycling:

- concrete;
- bituminous mixtures (asphalt);
- brick;
- glass (excluding fibreglass or glass fibre);
- tile and ceramics;
- minerals (stone, gravel, sand, etc.);
- track ballast;
- dredging spoil;
- utilities trench arisings;
- soils; and
- mixtures of the above.

Reason: In the interest of third party amenity and public health in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Within six months of the permanent ceasing of use of the aggregates recovery plant, the plant shall be dismantled and removed from site and the land occupied by it returned to its condition prior to development.

Reason: In the interests of visual amenity and ensure that any derelict or obsolete features do not adversely affect the environment in accordance with Policies AW5, AW8 of the Rhondda Cynon Taf Local Development Plan.

11. Operation of the aggregate recycling plant shall only take place between the following hours:

Monday to Friday:	07:00 to 19:00 hours
Saturdays:	07:00 to 13:00 hours
Sundays & Bank Holidays:	not at all

Reason: In the interest of third party amenity and public health in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The proposed additional highway signage, as set out in drawing reference "Local Improvements (Highway Signs) 23100.OS.101.01 (Rev C)", shall be implemented prior to beneficial use of the new aggregate recovery plant.

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

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## PLANNING & DEVELOPMENT COMMITTEE

25 April 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0719/10 (GRD)  
**APPLICANT:** Mr Sohail  
**DEVELOPMENT:** Renovation of an existing Commercial fire-damaged building into 6 apartments and 2 smaller Commercial spaces  
**LOCATION:** 4-5 MARKET STREET, ABERDARE, CF44 7DY  
**DATE REGISTERED:** 07/07/2023  
**ELECTORAL DIVISION:** Aberdare East

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

**REASON:** The development would result in the beneficial re-use of a derelict and fire damaged building in a highly sustainable location and would result in a considerable improvement to the appearance of the property and street scene. The proposed flats would also provide a welcome contribution to the local housing supply and additional commercial units within the Town Centre would aid in regeneration ambitions within the town.

Whilst the application proposes highly vulnerable development within an identified Flood Zone, the Flood Consequences Assessment (FCA) submitted nonetheless demonstrates that the risks and consequences of flooding could be managed to an acceptable level and Natural Resources Wales have offered no objection to the proposal.

Furthermore, it is not considered that the development would significantly impact upon the amenities of neighbouring occupiers, 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:**

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

#### **APPLICATION DETAILS:**

Full planning consent is sought to convert an existing commercial fire-damaged building into 6no. apartments and 2no. commercial units.

The Commercial units would be provided to the ground floor and would be accessed from and would face Market Street. The commercial units are proposed as being either A1, A2 or A3 use.

The residential units would be arranged over all three floors of the building, to include the following:

Ground Floor: 2no. one-bedrooms flats

First Floor and Second Floor: 2no. two-bedrooms flats and 2no. one-bedroom flats.

The converted building would also provide a bike/ bin store to ground floor. External alterations include the restoration of the fire damaged building along with the installation of doorways and windows at the building. 4no. dormers are also proposed to the rear of the building.

The main entrance and access to each commercial unit and each residential flat would be from the front of the property, opening on to Market Street. Access to the residential units will also be provided from the rear of the building.

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

- Bat and Bird Scoping Survey
- Flood Consequences Assessment

#### **SITE APPRAISAL:**

The application property refers to a two-storey terraced property, which is located within the Town Centre of Aberdare. The building suffered substantial fire damage in 2019 and is currently in a state of some dereliction. Previously the ground floor of the property was occupied by 'Premier' commercial store.

The building's footprint occupies the entire plot, and the property consists of a two-storey building fronting onto Market Street to the south-east, a central flat-roofed single storey element and a rear two-storey building towards the rear which faces an enclosed car park to the rear of the site.

The application site is located within the identified town centre of Aberdare and within the town's retail centre. The site is also within Aberdare Town Centre Conservation Area.

Market Street and the surrounding area has a mix of uses, with both commercial and residential uses in proximity to the application site.

**PLANNING HISTORY:**

14/1080/10: 4-5 MARKET STREET, ABERDARE, CF44 7DY. *'Replacement shop front, re-rendering of front elevation, new hardwood sliding sash windows and re-rendering of chimney'*. Granted, 18/11/2014

10/0979/10: 4-5 MARKET STREET, ABERDARE, CF44 7DY: *'Replacement shop front'*. Granted, 28/01/2011

The application site is also sited adjacent to, and the application property is tied to the neighbouring Boot Hotel, with the planning history of relevance outlined below:

18/0281/12: THE BOOT HOTEL, VICTORIA SQUARE, ABERDARE, CF44 7LB: *'Refurbishment and conversion of the Boot Hotel, Aberdare, including change of use of the upper floors to residential use to provide 12 units, and creation of a single ground floor retail unit, and associated internal and external alterations (including part demolition on rear elevation/out buildings) increase in height of rear courtyard building by up to 2 metres in height. (Listed Building Consent)'*. Granted, 24/10/2018

18/0203/15: THE BOOT HOTEL, VICTORIA SQUARE, ABERDARE, CF44 7LB: *'Removal/Variation of Conditions 2 (Approved Plans) & 3 (Materials) of previously approved application 16/0878/10'*. Granted, 24/10/2018

16/0878/10: BOOT HOTEL, VICTORIA SQUARE, ABERDARE, CF44 7LB: *'Change of use of the upper floors to residential use to provide 12 units, and a single ground floor retail unit with associated internal and external alterations'*. Granted, 23/11/2016

14/1170/12: BOOT HOTEL, VICTORIA SQUARE, ABERDARE, CF44 7LB: External works and fire escapes. Granted, 06/01/2015

14/0880/12: BOOT HOTEL, VICTORIA SQUARE, ABERDARE, CF44 7LB: *'Refurbishment, alterations and reinstatement of lost details to the Boot Hotel (Listed Building Consent)'*. Granted, 16/09/2014

14/0879/10: BOOT HOTEL, VICTORIA SQUARE, ABERDARE, CF44 7LB: *'Refurbishment, alterations and reinstatement of lost details to the Boot Hotel'*. Granted, 18/09/2014

06/1276/10: BOOT HOTEL, VICTORIA SQUARE, ABERDARE: *'Re-furbishment of the Boot Hotel to include the part demolition of existing two storey rear extension, erection of a single storey flat roof rear extension and sub-division of internal layout to form two units to include a part change of use to A1. Amended front elevation plans received'*. Granted, 21/02/2007

**PUBLICITY:**

The application has been advertised by direct notification letter to neighbouring properties by site notice, posted near the application site and by press notice. Seven letters of support have been received by third parties, with comments received summarised below:

- The building is currently in bad shape and hazardous and currently impacts the street, area and town;
- Supportive of residential units and commercial units at the site;
- The site is in a good location for new businesses;
- Consider that the development is a good use of the building;
- Consider that the proposal would bring some “much needed life into the town centre”;
- The flats are of a good size giving plenty of light to future occupiers;
- The retail units are of an appropriate scale;
- Will add potential income to local businesses with new residents;

**CONSULTATION:**

Local Highway Authority

No objections. Advisory notes recommended.

Natural Resources Wales

No objections, subject to condition. Advisory notes recommended.

Flood Risk Management

No objections.

Public Health and Protection

No objections, subject to conditions. Advisory notes recommended.

South Wales Fire and Rescue Service

No objections. Advisory notes recommended.

Dwr Cymru/ Welsh Water

No objection, subject to conditions. Advisory notes recommended.

National Grid (Gas)

No Objections.

Council's Ecologists

No objections, subject to conditions. Advisory notes recommended.

CADW

No Comments Received.



Royal Commission for Ancient and Historic Monuments

No 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 is located within the defined settlement boundary, within Aberdare Town Centre and within Aberdare Town's Conservation Area. The application site is unallocated for any specific purpose. The following policies are relevant in the consideration of this application:

**Policy CS1 – Development in the North:** outlines how the emphasis on building strong, sustainable communities will be achieved in the Northern Strategy Area.

**Policy AW1 – Supply of Housing:** focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

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

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

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

**Policy AW7 – Protection and Enhancement of the Built Environment:** Outlines that development proposal which impact upon sites of architectural merit should preserve or enhance the character and appearance of the site.

**Policy AW 8 – Protection and Enhancement of the Natural Environment:** outlines how Rhondda Cynon Taf's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development

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

**Policy AW11 – Existing Employment and Retail Uses:** Outlines criteria for assessing development proposals promoting alternative uses for employment and retail sites.

**Policy NSA1 - Development in the Principal Town of Aberdare:** sets out criteria for new development within Aberdare

**Policy NSA10 – Housing Density:** Outlines the housing density required of proposals in the Northern Strategy Area.

**Policy NSA12 – Housing Development Within and Adjacent to Settlement Boundaries:** sets out criteria for the consideration of development proposals within and adjacent to settlement boundaries within the Northern Strategy Area.

**Policy NSA13 – Rehabilitation/ Conversion of Large Buildings:** The conversion of large buildings within the Northern Strategy Area will be permitted subject to a number of criteria.

Supplementary Planning Guidance:

Design and Placemaking

The Historic built Environment

Design in Town Centres

Access Circulation and Parking

Nature Conservation

Development of Flats

Shopfront Design

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 12 (PPW) was issued in February 2024 with Future Wales: The National Plan 2040 (FW2040) issued in 2021. PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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

being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF.

Other policy guidance considered:

PPW Technical Advice Note 4 – Retail and Commercial Development

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

PPW Technical Advice Note 24 – The Historic Environment

**REASONS FOR REACHING THE RECOMMENDATION:**

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

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

**Main Issues:**

Residential development on unallocated land within the settlement boundary is supported by LDP Policy AW1. The site is located within a mixed-use area, with both commercial and residential uses in proximity to the site. The site is located within the main commercial centre and within the defined Town Centre of Aberdare and is therefore within walking distance of a range of shops and services. The site also has good access to sustainable transport options and is within walking distance of train stations and Aberdare bus station. Consequently, the site is in a very sustainable location and the provision of residential units at this site accords with the relevant criteria of Policy AW2 in this respect.

Concerning the commercial units to ground floor, which are proposed as being available for A1, A2 or A3 use. The Ground floor was last utilised as an A1 Retail store and occupied by 'Premier'; however, the building unfortunately suffered fire damage in 2019 and has been in a state of disrepair and some dereliction ever since. Whilst the existing and derelict commercial space would be split into two smaller units, the development proposes two commercial units which would provide a direct service to visiting members of the public and would retain a shop front which relates well to the

street scene. Whilst the application site lies within the defined retail area of Aberdare, the site nonetheless lies outside the town's defined primary shopping area and a proposed mix of either A1, A2 or A3 uses at the site would be considered acceptable in this instance and would not detract from the established character of the area.

The provision of additional residential units and commercial units within a sustainable location within the Town Centre of Aberdare would be considered acceptable in principle. However, the development proposes Highly Vulnerable Development within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning also identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers. TAN15 affirms that highly vulnerable development should not be permitted in Zone C2 of the of the DAM maps.

The development has therefore been supported by a Flood Consequences Assessment (FCA), which aims to address the concerns raised over Flood Risk at the site. The submitted FCA demonstrates that that the Finished Floor Levels (FFL) of the proposed residential units would be 210mm above the flood level at the front and 300mm above the flood level to the rear of the building, and the FCA demonstrates that the proposed development would be flood free during a 0.1% Annual Exceedance Probability (AEP) Event. Following consultation with Natural Resources Wales (NRW), it is considered that the submitted FCA shows that the risks and consequences of flooding could be managed to an acceptable level. NRW have offered no objection to the proposal, subject to a condition ensuring that the residential units must be set to 125.14 metres Above Ordnance Datum (mAOD) in accordance with the submitted plans and information contained within the FCA.

The provision of residential units and commercial spaces within a highly sustainable location in a town centre location is considered acceptable. The proposal would make beneficial use of an unsightly building in a prominent town centre location and the proposal would have regeneration benefits for the site and wider town centre. Whilst the Development site proposes highly vulnerable development within Zone C2 of the DAM maps and therefore fails to comply entirely with TAN15 and Policy AW2 of the LDP, the submitted FCA nonetheless demonstrates that the risks and consequences of flooding could be managed to an acceptable level, and no objections were raised by Natural Resources Wales. Overall, the development proposal would provide additional units and commercial opportunities within the town and would reinforce the role of Aberdare as a Principal Town, which is considered acceptable and in accordance with relevant policies of the Local Development Plan.

**Quality of Accommodation:**

New flats should provide an acceptable quality of accommodation for residents. It is considered that the proposed flats are of a suitable size to provide space for future

occupants, and the internal layouts proposed are considered acceptable with primary access also available to residents from Market Street to the front of the property. Whilst some concern is raised with regards to the outlook provided for the ground floor flats; each flat is nonetheless provided with full windows with unobscured views and on balance it is considered that an acceptable level of outlook would be provided to the proposed residential units and a reasonable level of natural daylight would also be provided to each flat. Some concern is also raised with regards to possible overlooking between the proposed residential units; however, the application site is located within a densely built town centre location where mutual levels of overlooking are well established and the proposal is considered acceptable in this respect with acceptable levels of privacy afforded to future occupants.

The proposal represents the conversion of an existing building which occupies the entire footprint of the application site, and as such, residents would not be provided with access to either a private or communal outdoor space. However, the development site is located in a sustainable location and within walking distance of accessible open spaces which is considered acceptable to compensate for a lack of outdoor space provided at the application site itself.

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

The building suffered substantial fire damage in 2019 and the development proposes to restore large parts of the building, along with some alterations and extensions. The proposal therefore represents a large improvement to the street scene by bringing a largely derelict building back into beneficial use.

The proposed shopfront design would be considered acceptable and in keeping with the general character of the street scene. Furthermore, the proposal to reinstate and rebuild first floor bay windows to the principal elevation of the building is considered acceptable and would aid in preserving the character of the property and wider area.

Large parts of the building would be undertaken within the fabric of the existing building; however, dormer extensions are also proposed. Whilst flat roofed dormers are normally considered less acceptable in terms of visual amenity, the proposed dormers would nonetheless be considered acceptable in this instance. The dormers would be constructed to the rear part of the building and as such, would not be readily visible within the public realm and would not harm the character of the street scene at this location. Additionally, the dormers would be set down from the ridge and set back from the eaves and would be largely subservient to the building's roof.

Some additional openings and alterations are proposed at the site, which are considered acceptable in terms of design and would not detract from the character of the building or wider area.

It is also noted that a Grade II Listed Building 'Caradog Arms Hotel, Victoria Square', also known as the Boot Hotel, adjoins the application site to the south. However, due to the nature and scale of alterations proposed at the application site, it is not considered that the proposal would negatively affect or impact the setting of the adjacent listed building.

Overall, the development would represent a substantial improvement to the appearance of the building bringing an unsightly fire damaged building back into beneficial use, and the development would be a positive enhancement on the street scene, which would preserve the character of the site and wider area.

**Impact on residential amenity and privacy:**

Most of the conversion would be undertaken within the fabric of the existing building, and as such, the outlook gained from the application property would remain largely as existing and would not significantly impact the privacy of neighbouring occupiers. Additionally, it is not considered that the conversion works and alterations would negatively impact the amenities of neighbouring occupiers through overshadowing.

Concerning the proposed commercial units to the ground floor. The building's ground floor was previously occupied by a retail store with associated activity and as such, the proposed commercial use to ground floor would not be considered to greatly increase levels of disturbance to neighbouring occupiers in comparison to previous uses at the site. Furthermore, the application site is in proximity to other commercial uses, including a nightclub, and it is considered that the levels of noise and disturbance generated by two small commercial units would likely be accepted by residents living in a Town Centre Location.

Overall, it is not considered that the development would cause detriment to the amenity and privacy of neighbouring occupiers.

**Highway Safety:**

Consultation was undertaken with the Local Highway Authority, who have assessed the proposal to determine whether the proposal would have an adverse impact upon highway safety in the vicinity of the site.

Access:

The proposal is located within Zone 1 Aberdare Town Centre on Market Street, which is pedestrianised between 6am and 6pm except for loading. Market Street provides for a shared surface with no dedicated footways and is a one-way street providing sufficient space for both vehicles and pedestrians to pass one another.

Servicing the proposed two retail units would be as existing to the front from Market Street.

### Parking:

The Local Highway Authority consider that the proposed 4no. 1 bed and 2no. 2 bedroom flats require up-to a maximum of 6 off-street spaces. The proposed retail units require 1 spaces each (2 space) with servicing accommodated without affecting highway safety. It is also considered that there are controls in place for servicing to take place.

The existing use as a retail and office use requires in the region of 6 off-street spaces with none provided.

### Highways Conclusion:

The Local Highway Authority consider that the proposal requires 8 off-street car parking spaces with none provided. However, taking into account the proposal is located within the centre of Aberdare Zone 1 and within easy walking distance of a number of local facilities including both bus and rail stops, is it considered that future occupants would be less reliant on the private motor vehicles as their primary mode of transport. Overall, with no possibility of providing off-street car parking within the curtilage with only a slight increase in parking demand, the proposal is considered acceptable in terms of access and highway safety. The Local Highway Authority have raised no objection to the proposal.

### **Ecology:**

A Bat and Bird Scoping Survey has been submitted in support of the planning application. The survey assessed the building to be of negligible potential for roosting bats, with some potential found for pigeons nesting in the building. Following consultation with the Council's ecologists and Natural Resources Wales, no objections were raised subject to conditions for the precautionary measures outlined in the Bat Report along with a condition for a nesting bird method statement.

Overall, no objections have been received by the Council's ecologists or NRW to the proposal and the proposal is considered compliant with Policies AW8 of the LDP.

### **Drainage and Flood Risk:**

Following Consultation, the Council's Flood Risk Management Department have offered no objections to the proposal.

Welsh Water have requested a condition be attached requiring that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. However, the works would be undertaken largely within the fabric of the existing building and the external works proposed are relatively minor, and as such, the condition would not be considered necessary.

Some concerns were initially raised by NRW due to the site being located within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004) and the Flood Map for Planning identified the

application site to be at risk of flooding and falls into Flood Zone 3 Rivers. As such, NRW requested further information. As discussed previously within this report, a Flood Consequences Assessment (FCA) was provided which showed that the risks and consequences of flooding could be managed to an acceptable level, subject to a condition ensuring that the finished floor levels of the residential units be in line with plans submitted and in line with the approved FCA.

The proposal is considered compliant with Policy AW10 of the LDP in terms of drainage and flood risk.

Public Health & Protection:

The Council's Public Health and Protection Department have requested a condition be attached outlining details of exhaust/ ventilation equipment to be installed along with a noise impact assessment. However, plans submitted do not show any external exhaust ventilation equipment and should an external flue or ventilation equipment be proposed at the site in future, the proposed external flue/ ventilation system would require planning permission. As such, the condition is not considered necessary.

A condition has also been suggested requesting details of grease traps to be provided should a food outlet occupy one of the proposed commercial units. A condition is therefore suggested for details of a grease trap to be submitted and approved prior to the site operating as a food outlet.

The Council's Public Health and Protection Department have also requested a condition which states that no member of the public shall be admitted to or allowed to remain on the commercial premises between the hours of 17:00 and 09:00 on any given day and should these times not be sufficient, a noise assessment has been requested to ensure necessary mitigation is installed prior to the occupation of the proposed residential accommodation. However, the application site is located within a town centre location where increased levels of activity and noise would likely be accepted by future occupants of the residential units. Furthermore, an existing commercial unit previously occupied the ground floor of the building and there are uses in close proximity to the application site which operate beyond the hours specified by the Council's Public Health and protection Department, including a nightclub located approx. 7m to the east of the application site. Consequently, the requested conditions are not considered necessary in this instance. It should also be noted that the development will be required to comply with Building Regulations.

The Council's Public Health and Protection Department have also commented on the development in relation to the demolition of buildings, noise, dust, and disposal of waste and have recommended advisory notes to advise the developer of their responsibility when undertaking construction works.



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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable. Therefore no CIL would payable.

**Conclusion:**

The development would result in the beneficial re-use of a derelict and fire damaged building in a highly sustainable location and would result in a considerable improvement to the appearance of the property and street scene. The proposed flats would also provide a welcome contribution to the local housing supply and additional commercial units within the Town Centre would aid in regeneration ambitions within the town.

Whilst the application proposes highly vulnerable development within an identified Flood Zone, the Flood Consequences Assessment (FCA) submitted nonetheless demonstrates that the risks and consequences of flooding could be managed to an acceptable level and Natural Resources Wales have offered no objection to the proposal.

Furthermore, it is not considered that the development would significantly impact upon the amenities of neighbouring occupiers, nor would it have any adverse impact upon highway safety in the vicinity of the site.

**RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans:-
  - PLANNING – A3 – OS Maps – Existing and Proposed. Drawing Number: 710-100. Rev C
  - PLANNING – A2 – Existing GA Plans. Drawing Number: 710-210. Rev C
  - PLANNING – A2 – Existing GA Elevations. Drawing Number: 710-220. Rev D

- PLANNING – A2 – Existing GA Elevations – Additional. Drawing Number: 710-221. Rev A
- PLANNING – A2 – Proposed GA Plans – Page 1. Drawing Number: 710-250. Rev G
- PLANNING – A2 – Proposed GA Plans – Page 2. Drawing Number: 710-251. Rev F
- PLANNING – A2 – Proposed GA Elevations – Additional. Drawing Number: 710-261. Rev B
- PLANNING – A2 – Proposed GA Elevations. Drawing Number: 710-260. Rev H

and documents received by the Local Planning Authority on 04/07/2023, 07/07/2023, 15/11/2023 and 15/04/2024 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 finished flood levels of the residential units must be set to 125.14 metres Above Ordnance Datum (mAOD) in accordance with drawing A2 – Proposed GA Plans, and Page 1 and Section 3.2 of the approved Flood Consequence Assessment 4-5 Market Street, Aberdare by Ashfield Solutions Group dated 2<sup>nd</sup> November 2023.

Reason: To reduce the risk and impacts of flooding to the proposed development and its owners/ occupiers in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan and Technical Advice Note (TAN) 15.

4. Building operations shall not be commenced until samples of the type and colour of windows, doors, roof tiles and external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all windows, doors and materials used shall conform to the sample(s)/ details so approved.

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

5. Notwithstanding the approved plans, development shall be carried out in accordance with the recommendations, mitigation, enhancements and required actions set out in Section 4 'Recommendations' of the Bat and Bird

Scoping Survey of 4-5 Market Street, Aberdare, Wales, CF44 7DY (7 September 2023), undertaken by Crossman Associates.

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

6. No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan and Future Wales Policy 9.

7. Prior to commencement of works, a nesting bird assessment and controlled method statement shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

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

8. The use of the site as a food outlet shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the occupation and use of the development hereby approved a Flood Emergency Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved Flood Emergency Plan.

Reason: To minimise the risk to life and property from an extreme flooding event in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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## PLANNING & DEVELOPMENT COMMITTEE

25 April 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1105/13 (KL)  
**APPLICANT:** Demipower 2017 Ltd  
**DEVELOPMENT:** Outline application for a drive through food and drink unit (Use Class A3) up to 160 sq metres (all matters reserved except for means of access) (Updated FCA Rec. 05/02/24)  
**LOCATION:** KENTUCKY FRIED CHICKEN RESTAURANT, HEOL-Y-PWLL, TREFOREST INDUSTRIAL ESTATE, TAFF'S WELL, CARDIFF, CF15 7QX  
**DATE REGISTERED:** 06/10/2023  
**ELECTORAL DIVISION:** Taff's Well

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**RECOMMENDATION:** Approve

#### REASONS:

The proposed development would provide an additional food and drink drive-thru establishment (Use Class A3) within a part of Treforest Industrial Estate which is already characterised by a series of leisure and food and drink uses.

The development would be positioned within the curtilage of the existing KFC premises where its wider visual impact would be minimal and could be accessed without causing harm to highway safety.

Furthermore, with the nearest residential properties being situated approximately 100m away, the development would have a limited impact upon the amenity and privacy of the nearest residents.

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#### REASON APPLICATION REPORTED TO COMMITTEE

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

#### APPLICATION DETAILS

Outline planning permission is sought for the construction of a single storey drive-thru unit on land which currently forms part of the car park relating to an existing drive-thru restaurant (KFC) at Heol-y-Pwll, Treforest Industrial Estate.

The application is made in outline with all matters other than access being reserved for future consideration. An indicative site layout plan has been submitted which indicates that the proposed unit would be accessed off Heol-y-Pwll, via the existing access to the existing KFC unit with the proposed unit being positioned towards the south-western boundary of the site. Details submitted with the application indicate that the unit would have a floor area of up to 160 sqm with following indicative scale parameters being proposed:

	Min (mm)	Max (mm)
Width	15,000	17,030
Depth	8,000	9,190
Height	5,000	5,200

No details of opening hours or staffing numbers have been provided at this stage.

In addition to the plans and drawings, the application is accompanied by the following supporting documents:

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Delivery and Servicing Plan;
- Flood Consequences Assessment (1<sup>st</sup> February 2024);
- Flood Consequence Assessment and Drainage Strategy (27<sup>th</sup> September 2023);
- Ground Investigation Report;
- Desk Study Appraisal (Ground Investigations).

## **SITE APPRAISAL**

The application site comprises land within the curtilage of a Kentucky Fried Chicken restaurant and drive-thru which is located off Heol-y-Pwll in Treforest Industrial Estate.

The site measures to an area of approximately 0.1 hectares and is currently a flat tarmarcked surface that is laid out for car parking in association with the aforementioned premises. The site is accessed via the roundabout at Heol-y-Pwll with this being shared with the Macro store to the north-west.

The surrounding area is characterised by a number of commercial and educational units with a cinema, bowling alley and various food establishments being located on the opposite side of Heol-y-Pwll to the north and Coleg Cymoedd Nantgarw being located to the south-east. Rhyd-yr-Helyg, a residential cul-de-sac, is located approximately 100m to the south-west.

## **PLANNING HISTORY**

The following planning applications are on record for this site:

13/1145	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 12 of planning approval 13/0693/10 : Engineering Design Details (Highways). and condition 3: Landscaping.	Granted 23/12/13
13/1144	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 9 of planning approval 13/0693/10 - Drainage.	Granted 12/12/13
13/1143	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 7 of planning approval 13/0693/10: Grease trap system,	Granted 12/12/13
13/1142	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 15 of planning of planning approval 13/0693/10: Traffic Management Method Statement.	Granted 09/12/13
13/0992	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Proposed Advertisements (Illuminated)	Granted 10/12/13
13/0693	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Erection of a Class A3 (Food and Drink) drive thru restaurant, car parking and ancillary works at surplus car parking at Makro, Hoel Y Pwll, Nantgarw	Granted 09/09/13

## PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. One letter of objection has been received which is summarised as follows:

- An additional drive-thru on the KFC site reduces the number of parking spaces.

- The development would have a larger draw having 2 operators.
- If the car park on the KFC site becomes full, the adjacent Makro site will then be use as an overflow which would not be permitted.
- The development will result in additional littering.

## CONSULTATION

The following consultation responses have been received:

**Coal Authority:** No objection.

**Flood Risk Management:** No objection. Condition recommended.

**Highways and Transportation:** No objection.

**Natural Resources Wales:** No objection.

**Public Health:** No objection. Conditions recommended.

**Welsh Water:** No objection. Conditions recommended.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

**Policy CS2 Development in the South:** sets out criteria for achieving sustainable growth that benefits RCT as a whole.

**Policy AW2 Sustainable Locations:** advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

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

**Policy 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 SSA27 Treforest Industrial Estate/Parc Nantgarw:** permits other uses, including A1, A2 and A3 uses on Treforest Industrial Estate where they are complimentary and ancillary to the main B class uses.

*Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were*



*commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.*

## **Supplementary Planning Guidance**

Design and Placemaking  
Access Circulation and Parking

## **National Guidance**

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

Planning Policy Wales Edition 12 (PPW) was issued on 7<sup>th</sup> February 2024 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 – Employment/Housing/Infrastructure

### SE Wales Policies

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The proposal involves the development of a new food and drink unit with a drive-thru (Class A3) and associated works. The site itself currently forms part of a car parking area for an established drive-thru unit (KFC) which is situated within settlement limits and within the boundary of Treforest Industrial Estate/Parc Nantgarw.

Policy SSA27 is of particular relevance in the consideration of this application. Whilst this policy primarily seeks to promote Class B1, B2 and B8 uses in Treforest Industrial Estate and Parc Nantgarw, it also permits uses under Classes A1, A2 A3, C1, D1 and D2 where they would be complimentary to the main B Class uses and provide a supporting function.

In the case of the current application, the scheme proposes the development of a building with a floor area of up to 160 square metres which may be regarded as complimentary to the established uses in the area. In terms of location, the site lies in close proximity to the Parc Nantgarw leisure complex, which includes a cinema, bowling alley and other A3 establishments (McDonald's, Nandos, Frankie and Benny's and KFC). As such, the application site would have a good relationship with these facilities and the addition of a further Class A3 unit would increase choice for customers. The site is also located in close proximity to Coleg Cymoedd Nantgarw and numerous other commercial and industrial uses. It is therefore reasonable to consider that the development would not be regarded as a destination in its own right, relying on linked trips with the adjacent leisure, educational and commercial facilities or on pass-by trade with vehicles already being on the highway network.

Furthermore, the facility would have limited space for internal seating, which would cater for the convenience market aimed at meeting the needs of those working or studying in the immediate and wider industrial estate.

It is acknowledged that Policy AW11 seeks to protect existing employment land; however, in this instance, the unit would be located within the curtilage of and within the surfaced car parking area of the existing KFC unit and it is not considered that its development would result in the loss of any floorspace.

As such, it is considered that the scheme is of an appropriate scale and in an appropriate location for an ancillary Class A3 use and the principle of the development is therefore considered acceptable, subject to an assessment of the following criteria:

### **Character and Appearance**

As an outline application with all matters reserved except for access, it appears that a building of the floorspace indicated could be easily accommodated within the site. Furthermore, it is considered unlikely that the unit would have an adverse impact upon the character of the area, given the indicative scale of the unit and its position in an area which is already characterised by a series of other food outlets, including the adjacent KFC unit, McDonald's, Frankie and Benny's and Nandos.

Nonetheless, since matters of appearance, landscaping and scale have been reserved, a full assessment of these issues will be subject to consideration as part of a future reserved matters application and there are no objections at this point.

### **Residential Amenity and Privacy**

The development would be some distance away from the closest residential properties, which are located approximately 100m away to the south-west. Given this distance and the fact that these properties are separated from the site by a thick line of trees and part of the Makro car park, a building of the scale parameters proposed would not cause any direct amenity issues for residents.

Whilst there is some potential for additional noise and disturbance as a result of the proposed new unit, the site is situated in an area in which there is already a greater degree of activity throughout the day and night. The development is considered to be of a modest scale and it is therefore unlikely that it would have such a significant impact upon the amenity of existing residents that it would warrant the refusal of the application.

In terms of the other occupants on the wider industrial estate, it is not considered that the proposed food and drink outlet would affect the carrying out of their businesses.

It is noted that one letter of objection has been received which raises concern with regards to additional litter and whilst this is noted, this is an issue that is somewhat difficult to control however, it would not be a reason to refuse planning permission.

### **Access and Highway Safety**

The application has been reviewed by the Council's Highways and Transportation section in order to determine the likely impacts of the development on highway safety in the vicinity of the site. The response received indicates that no objection is raised to the proposal with the comments being summarised as follows:

#### *Access*

The proposed would be accessed via the existing KFC car park served off Heol Y Pwll.

The applicant proposes a new footway link to spur off the existing footway link to KFC which will prevent/limit the amount of pedestrian walking through the car park to access the proposed which is considered acceptable.

Internally within the car park, a one-way system will be implemented as a result of the reconfiguration of the car park to provide a practical arrangement that maintains access / egress from the KFC drive-thru whilst also providing suitable access to the proposed unit and car parking. Access arrangements to the existing KFC drive-thru will be unaffected by the development proposals.

#### *Deliveries*

The applicant also states that deliveries will take place outside of peak times which is considered acceptable. HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

The applicant has also submitted a swept path analysis of their largest anticipated vehicle which indicates that the vehicle is able to safely access and egress the site in a forward gear which is considered acceptable.

#### *Public Transport*

The nearest bus stops are located approximately 160m to the south of the Site. Bus stops are provided with a bus shelter, timetable information and street lighting. The bus services operating from these stops are summarised in Table 3.1.

Route No.	Stops	Frequency (no. buses per hour)		
		Mon-Fri	Saturday	Sunday
26	Cardiff – University Hospital of Wales – Nantgarw – Caerphilly – Blackwood	1	1	1
102	Glyn-coch – Pontypridd – Rhydyfelin - Nantgarw	3	3	n/a
120	Blaen-cwn – Cwm-parc – Porth – Pontypridd – Hawthorn – Nantgarw – Caerphilly Interchange	2	2	0.5
132	Maerdy – Porth – Pontypridd – Hawthorn – Nantgarw – Whitchurch - Cardiff	5	4	1
400	Beddau – Llantwit – Church Village Library – Ton-Teg – Nantgarw – Cardiff	2	2	0.5

Treforest Estate Railway Station is located approximately 1.05 kilometres northwest of the Site, equivalent to an average 24-minute walk or 8-minute cycle. The railway station is situated on the Transport for Wales line, which provides half-hourly services between Barry Island and Pontypridd.

### *Parking*

The existing KFC unit has a parking requirement of 1 space per 3 staff and 1 space per 14m<sup>2</sup> in accordance with SPG: Access, Circulation and Parking Requirements (March 2011). There is lack of information regarding the internal layout and existing staff members of KFC. However, it is assumed that the existing KFC would have up to 12 members of staff working at any one time and a dining area parking requirement of 11 spaces. Therefore, the existing has a parking requirement of 15 spaces.

The proposed has a parking requirement of 1 commercial vehicle space and a non-operational requirement of 1 space per 60m<sup>2</sup>. Therefore, the proposed has a parking requirement of 4 spaces in accordance with SPG: Access, Circulation & Parking Requirements (March 2011) with none proposed.

The existing KFC car park provides a total of 55 parking spaces which includes 2 disabled parking bays solely for the use of KFC. The proposed will reduce the number of spaces provided within the car park to 42 however, taking into consideration that the proposed has a total parking requirement of 19 spaces the reduction in spaces provided is not envisaged to have any adverse impact on highway or pedestrian safety.

### *Cycle Parking*

Existing cycle parking takes the form of four Sheffield stands on the southwestern frontage of the KFC restaurant building which will be retained. The proposed unit will be provided with one Sheffield stand (equivalent to two spaces) for customer and staff use.

## *Highways Summary*

The proposed will remove 7 spaces within the car park however, taking into consideration that the car parking provides in excess of the maximum requirement, that a parking survey has been undertaken by the applicant stating that the proposed car park has a minimum spare capacity of 13-15 spaces, that the majority of on-site customer parking is short-stay, parking restrictions on entrance to the private shared car park to prevent indiscriminate on-street parking, no reported issues regarding indiscriminate on-street parking, and the sustainable location on-balance, the proposed is considered acceptable.

Therefore, on the basis of the comments received from the Highways Officer, the application is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues:**

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

### **Flood Risk**

The application site is confirmed to be within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk. However, the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding, with the site falling into Flood Zone 2 for Rivers. As confirmed in the letter from Welsh Government dated 15 December 2021, the FMfP represents better and more up-to-date information on areas at risk of flood risk than the DAM as it considered climate change information and provides the best available data on flood risk.

Section 6 of TAN 15 would only permit development in such locations if the development is considered to be justified in that location. The application is therefore required to be assessed against the justification tests set out in section 6.2. In this instance, the proposal would contribute to key employment objectives supported by the local authority with the development employing a number of members of staff (6.2ii). The application site is also evidently situated within an established retail area and concurs with the main objectives of Planning Policy Wales and meets the definition of previously developed land (6.2iii).

In respect of 6.2iv, the application is supported by a Flood Consequences Assessment (FCA) (dated 1<sup>st</sup> February 2024) which has been assessed by Natural Resources Wales (NRW). The comments received from NRW advise that the FCA demonstrates that the site remains flood free during 1%+ Climate Change (CC) fluvial event. This is compliant with A1.14 of TAN15. Similarly, the FCA demonstrates that the site remains

flood free during the 0.1% fluvial event which is compliant with A1.15 of TAN15. It is advised that overall, the FCA shows that the risks and consequences of flooding are manageable to an acceptable level. As such, no objection is raised in relation to flood risk.

As such, in light of the above considerations, the proposed development is considered to be justified in this location and with no objection being raised by NRW in this regard, the application is considered to be acceptable in terms of flood risk.

## **Drainage**

The total construction area for this development is 160sqm which will require the developer to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The development will also be required to comply with Part H of the Building Regulations.

The Council's Flood Risk Management team have reviewed the sites surface water flood risk and conclude that the site does not fall within an area of surface water flood risk, however, there are areas of high, medium and low surface water flood risk downstream of the site which will need to be considered.

Details submitted with the application indicate that surface water will be disposed of via the main sewer, however, Welsh Water have conditioned against this connection to avoid hydraulic overload.

It is noted that the principal of a reduction of the discharge to the existing drainage network provides a betterment to the existing situation which would be acceptable from a surface water flood perspective, subject to asset operator approval for the connection. However, as Welsh Water are currently rejecting a connection to the public sewer, a standard drainage condition is recommended. Whilst the recommended condition is noted, the proposed development would be subject to a SUDS consenting regime and the recommended condition in this regard is therefore not necessary.

## **Contaminated Land**

The application site was formerly occupied by Nantgarw Colliery & Coking Works and the Council's Public Health and Protection team consider that there is potential for contamination to exist on site. Whilst a Ground Investigations Report has been submitted to support the application, the Council's Pollution Control Officer advises that the information is insufficient to negate the need for standard site investigation conditions to be applied and, as such, the standard conditions have therefore been recommended.

## **Coal Mining Legacy**

The application site marginally falls within the defined Development High Risk Area and the Coal Authority advises that a coal seam of potentially workable thickness is conjectured to outcrop close to the surface adjacent to the north-eastern edge of the application site, dipping in a north easterly direction beneath the existing restaurant building.

The south-western part of the application site where the new unit is likely to be constructed (as shown on the indicative site layout plan) lies outside of the High Risk Area. As such, the Coal Authority does not consider that a Coal Mining Risk Assessment is necessary to support the application and no objection is raised to the proposal.

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

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

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

### **Conclusion**

It is not considered that the proposed food and drink outlet would have a significant impact upon the character and appearance of the site or its surrounding area, nor would it cause harm to the amenity of the surrounding closest properties or to highway safety.

The application is therefore considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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

1.
  1. (a) Approval of the details of the appearance, layout and scale of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - (b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
  - (c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.



(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. No development shall take place until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme, all aspects of which must be carried out by, or under the direction of, a suitably qualified competent person in accordance with BS10175, shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- (a) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

- (b) A site investigation shall be carried out 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 (a) above.

- (c) 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. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

3. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (2) 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, or under the direction of, a suitably qualified competent person.

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

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

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

5. No development shall commence until details of a grease trap to prevent grease entering the public sewerage system have been submitted to and approved in writing by the Local Planning Authority. The trap shall be installed in accordance with the approved details prior to beneficial use and maintained in good order thereafter.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until details of a kitchen extraction system, including equipment to control the emission of fumes and odour from the premises, have been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details prior to beneficial use and maintained in good order thereafter.

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

7. No development shall commence until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

## PLANNING & DEVELOPMENT COMMITTEE

25 April 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1255/10 (KL)  
**APPLICANT:** WDL Homes LTD  
**DEVELOPMENT:** 8 no. residential units with associated infrastructure works (Bat Survey rec. 28/11/23)  
**LOCATION:** LAND AT THE FORMER BRICKWORKS SITE OFF LLWYDCOED ROAD, LLWYDCOED, ABERDARE  
**DATE REGISTERED:** 08/11/2023  
**ELECTORAL DIVISION:** Aberdare West and Llwydcoed

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**RECOMMENDATION:** Approve, subject to conditions and no further concerns being raised by NRW

**REASONS:** The application site forms a housing allocation under Policy NSA9 of the Rhondda Cynon Taf Local Development and the principle of developing the site for residential purposes is therefore considered acceptable. Furthermore, the proposed dwellings are considered to be acceptable in terms of their overall, scale, design and visual appearance and it is not considered that they would have an adverse impact upon the character and appearance of the site or surrounding area, the amenity and privacy standards currently enjoyed by the nearest residential properties or upon highway safety in the vicinity of the site.

As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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

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

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of 8 no. detached residential dwellings on a parcel of land which is situated at the rear of nos. 17-30 Tan y Bryn Gardens, Off Llwydcoed Road, Llwydcoed, Aberdare.

The proposed dwellings would be constructed towards the northern and eastern perimeters of the site with access being provided via a new access off Tan y Bryn Gardens to the south (between nos. 28 & 29). The dwellings would be served off a new internal estate road/turning head (to be adopted) to the southern end of the site with 2 dwellings being directly accessed from this (plots 7 & 8). The remainder of the dwellings would be served off 2 further shared internal private shared driveways (plots 1 & 2 off one and plots 3 4, 5 & 6 off another).

The development would consist of the following house types:

- 1no. Windsor – 4 bed property with detached double garage
- 2no. Tresaith – 4 bed property with detached or attached double garage
- 2no. Oxwich Bay – 4 bed property with attached double garage
- 3no. Caswell – 5 bed property with integral double garage

Each dwelling would have off-street car parking for 2 no. cars in front of their respective garages with enclosed gardens being positioned to the rear elevations. Two further visitor spaces would also be provided near the proposed new entrance.

External materials would consist of a mixture of Ibstock Sandhurst stock clary facing brickwork, render and cedar cladding with stone cills, Marley Edgemere slate grey tiles, grey uPVC windows and doors and grey facias and rainwater goods.

The application is accompanied by the following:

- Planning Statement
- Preliminary Ecological Assessment
- Ecological Interim Survey Update
- Bat Transect Survey
- Reptile Survey Report
- Arboricultural Impact Assessment
- Tree Survey
- Bats and Tree Survey Report
- Landscape and Visual Appraisal
- Site Investigations Report
- Desk Study Report
- Lighting Design and Light Spill Report

## **SITE APPRAISAL**

The application site relates to an irregular shaped parcel of land which is situated to the north of existing residential properties in Tan y Bryn Gardens in the settlement of Llwydcoed, Aberdare. The site measures approximately 0.9 hectares in area and currently comprises of scrubland which rises in ground profile from the southern boundary towards a lane off Llwydcoed Road to the north. The site is bound by numerous trees to the northern, eastern and western boundaries whilst the rear of

properties in Tan y Bryn Gardens lie to the south. A Public Right of Way (OED/22/1, OED/22/3 and OED/22/8) which connects Llwydcoed Road with Tan y Bryn Gardens runs along part of the northern and western boundaries.

The site is situated within the defined settlement boundary for Aberdare and is allocated for housing under Policy NSA9.4 (Housing Allocations). The site also falls within land designated as a high risk due to coal mining and the areas of trees to the western, southern and eastern boundaries are protected by Tree Preservation Orders (TPO No.1;1984, TPO No. 72; 2005). Two individual Tree Preservation Orders are also present within the site (TPO: 72; 1 & 2; 2005).

## PLANNING HISTORY

The following planning applications are on record for this and the wider former brickworks site:

12/0703	Land at the Former Brickworks Site, Llwydcoed Road, Llwydcoed, Aberdare	Substitution of house types approved by permission 06/1564/10 to provide 69 No. terraced, semi-detached and detached 3 and 4 bedroom properties and associated works.	Granted 06/09/13
11/0796	Tan y Bryn Gardens, Former Brickworks Site, Llwydcoed	Substitution of house types approved by permission 06/1564/10 to provide 8 no. detached dwellings.	Granted 03/11/11
08/1882	Llwydcoed Brickworks, Llwydcoed	2 signs with company name and logo advertising future residential development of the site	Granted 26/01/09
06/1564	Land at Llwydcoed Brickworks, Llwydcoed	Residential development consisting of 99 dwellings, including all associated building and engineering operations and landscaping	Granted 27/01/09

## PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. A total of 5 letters of objection have been received and are summarised as follows:

### *Character and Appearance*

- The proposal uses different materials to the Tan y Bryn Gardens site and it will therefore not be in keeping with the rest of the site.

### *Residential Amenity and Privacy*

- The development will impact upon privacy.

### *Highways and Parking*

- Concern is raised with regards to access for construction vehicles and the impact this will have on the safety of road users and pedestrians.
- It is suggested that existing roads are narrow with visibility poor and cars parking on kerbs.
- The proposed access is too narrow for two cars and will result in increase reversing movements onto the road should two cars meet at the entrance.
- The existing Tan y Bryn development does not have enough parking and cars park on kerbs as a result.

### *Flood Risk and Ground Stability*

- The site is at moderate-high risk of ground and surface water flooding.
- The current woodland area provides natural drainage and acts as a bio-retention area of the site.
- The ground will require significant amounts of filling to stabilise the land.
- The fact that the site sits within a Coal Mining Development High Risk Area has not been taken into consideration.
- Tan y Bryn Gardens is already susceptible to flooding due to poor drainage works conducted by the developer.
- The development will not be built with appropriate drainage.
- Concern is raised with regards to extra flow of water coming through the site.

### *LDP Housing Allocation*

- Whilst the site is allocated for housing within the LDP, this fails to acknowledge the changing landscape of Llwydcoed and the current housing market of Aberdare as a whole.
- The LDP is currently being reviewed and will be updated.

### *Environmental Sustainability*

- The supporting documents make a very poor and weak argument for supporting environmental sustainability.

- The natural biodiversity and natural habitats would be removed.
- Just because the site is situated near a bus stop, does not mean that the development actively promotes the use of sustainable transport.
- The development will encourage the use of potentially 16 additional cars with no electric charging provision which will directly contribute to increase CO2 levels in the area.

### *Ecology*

- The woodland currently acts as a safe and secure rural habitat for an abundance of wildlife.
- Bat surveys have not been carried out.
- The previous landowners were witnessed on site removing trees.
- The proposal actively seeks to remove a natural ecosystem and the rural aspect that is enjoyed by residents and wildlife.
- Any construction work and the felling of trees will significantly affect bats and other wildlife at the site and in the area.

### *Public Right of Way*

- The Public Rights of Way, footpaths and trees and hedges on and around the site need to be retained.

### *Land Contamination*

- Concern is raised about different contaminants that would be disturbed and dispersed to current residents during works.
- Concerns are raised with regards to the contents of the supporting documents in relation to contamination.

### *Other*

- The construction of the development will result in disturbance to existing residents who work from home.
- No effort has been made to reassure existing residents or compensate those that are more affected.
- The saleability of executive style houses in the area has declined and a number of existing executive houses have remained unsold and vacant, leading to the consensus that the area is being overdeveloped.
- Reference is made to other developments in the wider Aberdare area, stating that many properties remain empty after a considerable amount of time.
- Focus and attention should be placed on sites that have already been approved before planning is considered on another.
- Concern is raised with regard to insurance and re-saleability of all houses affected.

- It is advised that machinery has been at the site and works are being carried out before any permission has been granted.
- Construction vehicles and deliveries on the Tan y Bryn site is unacceptable and very dangerous.
- Concerns are raised with regards to the cleanliness of the site.
- WDL have not cleared the waste ground opposite where the show home was.
- This proposed development was not included on the plans to for the original Tan y Bryn development.
- Concern is raised with regards to the integrity of WDL Homes.

## **CONSULTATION**

**Coal Authority:** No objection, conditions recommended.

**Ecology:** No objection, conditions recommended.

**Fire Safety:** No objection

**Flood Risk Management:** No objection, condition recommended.

**Highways and Transportation:** No objection, conditions recommended.

**National Grid:** Advises that a separate application will need to be made to National Grid should a new connection or service alteration be required.

**Natural Resources Wales:** No objection, subject to conditions. Further information has been requested in respect of the proposal to construct a new access road over an ordinary watercourse. No further comments had been received at the time of writing this report.

**Public Health and Protection: No objection**

**TPO Officer:** Concerns raised.

**Welsh Water:** No objection, condition and advice provided.

## **POLICY CONTEXT**

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

*Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the*



*provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.*

The application site is situated inside the defined settlement boundary and is allocated for housing. The following policies are considered relevant in the determination of this application:

**Policy CS1 Development in the North:** seeks to build strong, sustainable communities in the Northern Strategy Area to be achieved through promoting residential development in locations which reinforce the roles of the Principal Towns and Key settlements, including the re-use of previously developed sites.

**Policy AW1 Supply of New Housing:** sets out how the housing requirement will be met during the plan period. This includes but is not limited to the allocations set out within Policy NSA9.

**Policy AW2 Sustainable Locations:** advises that development proposals will only be supported in sustainable locations.

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

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

**Policy AW7 Protection and Enhancement of the Built Environment:** sets out criteria for development proposals which affect public rights of way.

**Policy AW8 Protection and Enhancement of the Natural Environment:** seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10 Environmental Protection and Public Health:** development proposals must overcome any harm to public health, the environment or local amenity.

**Policy NSA9 Housing Allocations:** sets out the housing allocations within the Northern Strategy Area, which includes the Former Brickworks Site, Old Diary and tipped land to the rear of Birchwood.

**Policy NSA10 Housing Density:** requires developments in the Northern Strategy Area to have a minimum residential density of 30 dwellings per hectare.

**Policy NSA12 Housing Development within and Adjacent to Settlement Boundaries:** requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area.

## **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 12 (PPW) was issued on 7<sup>th</sup> February 2024 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 – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

### SE Wales Policies

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

Other relevant 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 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

This application proposes the construction of 8 no. residential dwellings on a parcel of land which is situated within the defined settlement boundary and within an established built-up area that is predominantly residential in character.

It must also be noted that the site is allocated for housing under Policy NSA9.4 of the Rhondda Cynon Taf Local Development Plan. This indicates that the site has been allocated in accordance with the criteria set out in Policy AW2 and on the basis that it will reinforce the roles of the Principal Towns and Key Settlements, as set out in Policy CS1. Furthermore, whilst the site is currently vacant, it was previously occupied by the former Llwydcoed Brickworks and the proposal would therefore be further supported by Policy CS1 in that it would promote the re-use of previously developed land.

The site forms part of a wider allocation for 175 dwellings over 6 hectares of land, of which 125 dwellings have already been constructed through the Tan y Bryn Gardens and Maes y Ffion developments. Whilst the development only proposes the construction of an additional 8 dwellings, the development would result in all 6 hectares of the allocation being developed.

Policy NSA10 requires development for residential dwellings in the Northern Strategy Area to have a net residential density of at least 30 dwellings per hectare. The proposal would have a significantly reduced density of approximately 8 dwellings per hectare and whilst this is of some concern, the policy permits lower densities where it can be demonstrated that a lower density would be necessary to protect the character and appearance of the site/surrounding area or to protect the amenity of existing or future residents. In this case, the site is positioned on a slope with a public sewer, an ordinary watercourse and a number of TPO's present within the site. These constraints would inevitably restrict the ways in which the site could be developed and a lower density could therefore be considered acceptable. The proposed site layout plan clearly indicates the presence of these constraints and demonstrates that the site can be suitably developed around them. Whilst it is noted that perhaps more dwellings of a

smaller scale could have been proposed, the site connects with the Tan y Bryn Gardens development, which is largely characterised by a number of large, detached properties. The proposed dwellings are very similar to the house types visible in the wider development and the overall design of the proposal would therefore be in keeping with the character of the area. Furthermore, a proposal for more dwellings in this location would likely have additional highways implications due to the slightly sub-standard access (as discussed in the *Highway Safety and Parking section* below). It is therefore considered that, on balance, a lower residential density is acceptable in this case.

In light of the above, the principle of developing the site for residential purposes is considered acceptable.

### **Character and Appearance**

The proposal would result in 8 no. detached dwellings being constructed around the northern and eastern extents of the site with access being provided via the Tan y Bryn Gardens development to the south. The site is crossed by an ordinary watercourse to the south and east and a public sewer to the east. A protected tree is also situated towards the southern end of the site, which is proposed to be retained. Given these constraints, the proposed layout of the site is considered to be a feasible way of developing the site.

The proposed dwellings would be of a large scale however, they do not appear to be any greater than existing properties in the adjacent Tan y Bryn Gardens development. Indeed, it is noted that the proposed house types are very similar to those visible in the area and whilst it is noted that the proposed palette of materials would differ to what is typically visible in the existing Tan y Bryn Gardens development, the site is situated behind the existing development where it would not be visually prominent. As such, it is not considered that the deviation in finishing materials would have such a significant impact upon the character and appearance of the surrounding area that it would warrant the refusal of the application.

Furthermore, the site would partially retain its 'open' appearance with ample space around the dwellings to enable a comprehensive landscaping scheme to be implemented, which would ensure that the development integrates well within its setting.

Consequently, it is considered that the proposal is acceptable in terms of the impact it would have upon the character and appearance of the site and the surrounding area, and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Residential Amenity and Privacy**

As indicated previously, the site is situated within an established built-up area which is predominantly residential in character. It will therefore be important to consider the impact of the proposed development upon the amenity and privacy of existing residential properties in the vicinity of the site.

In this case, the nearest residential properties are considered to be those in Tan y Bryn Gardens to the east and south of the site (nos. 17-20 & nos. 21, 22 & 24-33). Further residential properties are situated to the north of the site (Casa Mia and Birchwood) and to the north-west (6 & 8 Plasmarl).

Properties in Tan y Bryn Gardens to the eastern boundary of the site (nos. 17-20) would be a sufficient distance away (around 30m) and separated from plot 8 (the nearest plot) by an area of trees and a watercourse. Furthermore, given the differences in ground levels and orientation of plot 8, it is not considered that the development would result in any adverse impact upon amenity or privacy.

Properties in Tan y Bryn Gardens to the south (nos. 21, 22 & 24-33) are set at a lower ground level to the site however, it is noted that sufficient separation distances would be maintained between existing and proposed dwellings (in excess of 35m) which would ensure no adverse loss of privacy or outlook would arise. Furthermore, being positioned to the north and north-east of existing properties in Tan y Bryn Gardens, the development would not result in any overshadowing.

In terms of the impact of the proposal upon existing residential properties to the north and north-west, these properties are separated from the site by a line of trees and an area of woodland respectively. Furthermore, these properties are situated over 30 and 50 metres (respectively) and at a higher ground level and would not be adversely affected by the development.

As such, the proposal is considered acceptable in terms of the impact it would have upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 (1.c) of the Rhondda Cynon Taf Local Development Plan.

### **Access and Highway Safety**

The application has been assessed by the Council's Highways and Transportation section and no objection has been raised in relation to the proposal, subject to a number of conditions being imposed upon any grant of planning consent. The comment received are summarised as follows:

#### **Access**

The application site is served via an existing housing development (Tan Y Bryn Gardens) which has been designed and built to an adoptable standard. There is a section 38 Agreement in place to adopt the proposed housing development Tan Y Bryn Gardens but to date the maintenance still remains with the developer WDL

Homes. The carriageway leading to the site is 5.5m with access to the proposed to be located off the square turning facility.

The access road proposed for the development is 4.8 metres, prior to extending by a further 0.7 metres to 5.5m within the site. A footway is proposed adjacent to the access. Furthermore, an additional footpath, which will link to the existing public right of way to the east, will be provided within the site enabling pedestrian connectivity.

The proposed carriageway access is slightly below the standards (4.8m) set out in the Rhondda Cynon Taff Design Guide. However, this width is over a short section of the carriageway only with it widening back out to 5.5m within the site. Vision is good to see oncoming vehicles and, given the limited traffic generated by 8 dwellings and the fact that the 4.8m width (over a short distance) allows for an HGV and car to pass one another or two cars (in accordance with Manual for Streets), on-balance the proposal is considered acceptable.

The proposal is in excess of 5 dwellings and, in accordance with Welsh Government guidance and in accordance with the council's design guide, the proposed access road and turning facility will be required to be designed and built to an adoptable standard and offered for adoption. There are two dwellings served directly off the adopted highway, two off one shared access and four off another shared access, which is acceptable.

The proposed access is via a vehicular crossover leading to the proposed between two existing dwellings number 28-29 Tan Y Bryn Gardens. Taking into account the limited additional traffic generated by 8 additional units the proposal is acceptable. However, full engineering design and detail will be required, including swept path, and the design implemented in accordance with the approved detail which has been conditioned accordingly.

#### *Parking SPG Access, Circulation & Parking*

The 8 no. 4 & 5 bed dwellings require up-to a maximum of three spaces per unit in accordance with the SPG Access, Circulation & Parking 2011 with a minimum of 3 spaces per unit provided.

The development also requires 2 visitor spaces with 2 provided which is acceptable.

#### *Surface Water Culvert*

It is noted that the proposed site access crosses what appears to be an open watercourse. Open water course consent will be required and commuted sums for any additional maintenance liability to the council.

In light of the comments received from the Highways Officer, the proposal is considered acceptable in terms of the impact it would have upon highway and pedestrian safety in the vicinity of the site and the application would therefore comply with Policy AW5 (2.c & 2.d) of the Rhondda Cynon Taf Local Development Plan.

## **Other Issues:**

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

### **Drainage**

#### *Surface Water*

The proposal would result in the construction of 8 no. dwellings and, under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The applicant will also be required to comply with Part H of the Building Regulations.

Details submitted with the application indicates that surface water will be disposed of using SuDs however, no relevant surface water drainage proposals have been provided for review. A condition is therefore recommended for such information to be provided prior to any works commencing on site however, given that the development would be subject to a SuDs consenting regime, the recommended condition is not considered necessary in this case.

The Council's Flood Risk Management team have reviewed the sites' surface water flood risk and it is advised that there are areas of high, medium and low surface water flood risk identified across the application site, particularly along the south, west and northern perimeter. The identified high surface water flood risk is associated with the unnamed ordinary watercourse which flows through the site along its eastern and southern perimeter.

#### *Foul Drainage*

Welsh Water and NRW note that foul drainage would be disposed of via the public sewerage system and no objection is raised in this regard.

#### *Public Sewer*

Welsh Water advise that the application site is crossed by a surface water public sewer which is situated towards the eastern extent of the site. It is advised that access is required this apparatus at all times and, as such, an easement of 3m would be required either side of the centreline of the sewer. Notwithstanding this, the proposed site layout plan indicates that the development has been designed around this constraint with no building or structure appearing to be situated within the protection zone.

#### *Watercourse*

As mentioned above, the site is crossed by an unnamed ordinary watercourse to the southern and eastern end of the site. The submitted plans indicate that the proposed access would be constructed over the stream and the applicant has confirmed that in order for the access road to be adopted, a small section of the watercourse will need to be culverted. It is further confirmed that a timber bridge structure would be provided at the pedestrian link to the PROW at the eastern end of the site.

It is advised that Ordinary Watercourse Consent will be required under Section 23 of the Land Drainage Act 1991, prior to any works affecting any watercourse identified within the site.

## **Ecology**

The application has been assessed by the Council's Ecologist who notes that the site comprises of remnant groups of trees and a few individual trees, including a small number which are protected by Tree Preservation Orders, and tall ruderal vegetation. The site also incorporates a stream to the southern and eastern boundaries.

The application is supported by a Preliminary Ecological Assessment, Reptile Survey Report, an Ecological Interim Survey Update and a Bat and Tree Survey Report, which have been assessed by the Council's Ecologist. Further information has also been provided in respect of lighting.

The Council's Ecologist advises that the site is not of SINC quality, although it is considered that the remaining trees are important, particularly as bat foraging and potential roost habitat, and these need to be fully protected within the development. A condition for tree protection and management is therefore recommended, as well as a condition for a Construction Environmental Management Plan (CEMP).

### *Bats*

The Bat Report identifies that the site is important as foraging and commuting habitat for the local bat population and a series of necessary measures are proposed to retain dark nighttime conditions in order to maintain bat use of the site, and details of a lighting scheme have been provided, to which the Council's Ecologist raises no objection.

### *Reptiles*

The Reptile Survey indicates that no reptiles were recorded at the site however, it identifies some low-key precautionary measures which need to be conditioned.

### *Landscaping*



The Council's Ecologist initially raised some concerns with regards to the proposal Landscaping Plan however, further commentary was provided by the applicant and no further concerns were raised.

### *Mitigation and Enhancement*

The Preliminary Ecological Survey includes a series of additional mitigation requirements, including invasive plant management, bat and bird bricks/boxes and hedgehog friendly fencing. The Council's Ecologist recommends that the details for these mitigation and enhancement measures are sought by condition.

### *Japanese Knotweed*

The submitted documents note the presence of Japanese Knotweed at the site and whilst NRW recommend a condition for its eradication, this is an issue that can be controlled by other legislation (Wildlife and Countryside Act 1981) and an informative note to the applicant would be sufficient should permission be granted.

### **Contaminated Land**

The application site was previously occupied by Llwydcoed Brickworks and it is also noted that it was also used for the disposal of soil. Neighbouring land was also previously occupied by ironstone quarries/mining and works, spoil and refuse tips and three landfill sites are situated within 250m of the site.

The application is supported by a Desk Study Report and Site Investigations Report which has been reviewed by the Council's Public Health and Protection team however, the comments received indicate that the information is not sufficient to negate the need for full contaminated land conditions to be imposed upon any grant of planning consent and these have been recommended accordingly.

### **Coal Mining Legacy and Land Stability**

As indicated previously, the site is crossed by a Development High Risk Area in respect of historic coal mining and, as such, there are coal mining features and hazards which need to be considered in the determination of this application.

The application is supported by a Desk Study Report which has been reviewed by the Coal Authority. The report recommends that intrusive ground investigations be carried out in the form of drilling of rotary boreholes, in order to confirm the depth and thickness and condition of any underlying shallow coal seams or ironstone veins and to inform any necessary remedial works. The Coal Authority concur with these findings and recommendations, and standard site investigations conditions have therefore been recommended.

### **Tree Preservation Orders**

As indicated above, the application site is bound by a number of TPO areas with a number of individual TPOs identified within the site.

The application is supported by a Tree Survey, a Tree Constraints Plan and an Arboricultural Impact Assessment (AIA) which confirm that the majority of trees on and around the site will be retained. However, it is noted that a total of 10 trees are recommended for felling due to the majority of these (9no.) being identified as poor quality (U category) and one being low quality (C category).

The trees to be felled appear to fall within the TPO areas at the northern and eastern boundaries of the site. A separate TPO application would therefore be required for any works to/ the felling of TPO trees. To date, no such application has been received.

The Council's TPO Officer raises some concern with regards to the impact of the development on the trees to be retained and suggestions have been made for the dwellings to be brought forward or for the number of dwellings to be reduced in number and/or scale. However, the applicant has confirmed that they do not wish to make any amendments to the scheme. It is confirmed that the proposed layout is fully compliant with BS5837:2012 Trees in relation to Design, Demolition and Construction with the proposed dwellings and structures being located outside of the Root Protection Areas (RPAs) and crowns of retained trees, and the AIA demonstrates that there is no conflict issue with the trees. Should future residents wish to undertake works to any tree protected by a TPO, then this would be subject to a TPO application, and the Local Planning Authority would have the powers to refuse such applications if it can be demonstrated that the proposed works are unnecessary/unreasonable. Furthermore, it is advised that potential future residents would be made aware of the presence of TPO trees at conveyance stage.

The applicant considers that the TPO Officer's suggestion of moving the dwellings forward would create conflict with an individual TPO tree towards the southern boundary of the site. It can be seen from the Proposed Site Layout Plan that moving plots 1-4 forward would result in the private shared driveways being positioned with the RPA of that tree.

On that basis, the Arboricultural Impact Assessment sets out a series of protection measures for the retained trees which are in accordance with the details set out in BS5837:2012 and it is recommended that the implementation of tree protection measures on site should be carried out in compliance with a site-specific Tree Protection Plan and Arboricultural Method Statement. These details can be secured by condition.

In terms of the trees to be felled, the Arboricultural Impact Assessment confirms that the development focuses only on the clearance of poor-quality trees (U category) on the eastern boundary and a scrubby line of low-quality trees to facilitate the

construction of Plot 8. It is advised that the U category trees would be required for removal on safety grounds, irrespective of the outcome of the proposed development.

The existing tree belts on the western, northern and eastern boundaries, as well as two internal trees, would be retained with this minimising any wider landscape impacts. It is further advised that some new tree planting be considered in order to mitigate any tree loss and to contribute to an enhancement of the local tree stock.

One individual TPO is identified as being positioned towards the northern end of the site however, it appears that this has been removed at some point prior to the application being submitted. It is not referred to in the plans or supporting documents and it was not visible at the time of the Planning Officer's site visit.

### **Public Rights of Way**

As indicated above, the site is bound by a series of Public Rights of Way to the northern and eastern boundaries however, details submitted with the application indicate that these would be retained and remain unaffected by the development. In any case, should a temporary or permanent diversion be required at any point, this would be subject to separate consent from the Council's Countryside Section.

The Council's Public Rights of Way Officer has been consulted on the proposal and the comments received raises no objection.

### **Other Issues Raised by Objectors**

Where the objections and concerns raised by residents have not been addressed in the sections above, the following responses are offered:

#### *Construction Noise and Disturbance*

Issues of construction noise and disturbance are not material planning considerations and whilst it is appreciated that construction of the development would inevitably result in some degree of noise and disturbance, this would be for a temporary time period only and would not be reason to refuse planning permission. Furthermore, there is separate Environmental Health legislation available, if such activities became a statutory nuisance.

Similarly, compensation for existing residents is outside the parameters of the planning process and the objector should seek this through the appropriate channels.

#### *Housing Market and Requirements*

One letter of objection suggests that the market for executive style houses has declined and that a number of existing houses have remain unsold. It is beyond the remit of the Planning Department to determine market requirements and it has to be

assumed that the developer has carried out suitable and sufficient market research to identify a need within the area prior to going to the expense of formulating and submitting a planning application.

One letter of objection also suggests that focus and attention should be placed on sites that have already been approved before planning is considered on another site. The Planning Department has no control over the submission of applications and it must therefore consider every application on its own individual merit.

### *Property Values and Insurance*

Concerns raised with regard to property values and insurance are not material planning considerations.

Furthermore, whilst the development may not have been included on the plans to the original Tan y Bryn Gardens development, that is not to say that the site would remain undeveloped indefinitely. As indicated elsewhere in this report, the site is identified as a housing allocation in Policy NSA9 of the Rhondda Cynon Taf Local Development plan and so the re-development of the site for residential purposes can be expected.

### *Condition of Site and Site Works*

It is noted that some residents have raised concern with regards to the condition of the site in terms of cleanliness and it is suggested that waste ground has not been cleared by the developer. This is not material to planning and would not be reason to refuse planning permission for this site or the developer. Indeed, there is other legislation available should residents wish to pursue this issue.

One resident has also suggested that machinery has been brought to the site and that works are being carried out before any permission has been granted. The objection does not specify what works are currently being undertaken however, any works being undertaken are entirely at the developer's own risk. It must also be noted that some works can be carried out without planning permission.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

### **Conclusion**

The application site forms a housing allocation under Policy NSA9 of the Rhondda Cynon Taf Local Development and the principle of developing the site for residential purposes is therefore considered acceptable. Furthermore, the proposed dwellings are considered to be acceptable in terms of their overall, scale, design and visual appearance and it is not considered that they would have an adverse impact upon the character and appearance of the site or surrounding area, the amenity and privacy standards currently enjoyed by the nearest residential properties or upon highway safety in the vicinity of the site.

As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

**RECOMMENDATION: Approve, subject to conditions and no further concerns being raised by NRW**

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 and documents received by the Local Planning Authority on 6<sup>th</sup> November 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 3054-02(05)201: Site Location Plan
- Drawing No. 3054-00(05)101: Proposed Site Layout
- Drawing No. 3054-04(05)201 Rev A: Caswell House Type Floor Plans
- Drawing No. 3054-04(05)301 Rev A: Caswell House Type Elevations
- Drawing No. 3054-05(05)201 Rev. A: Garage Plans and Elevations
- Drawing No. 3054-02(05) 201: Oxwich Bay House Type Floor Plans
- Drawing No. 3054-02(05)301: Oxwich Bay House Type Elevations Plot 1
- Drawing No. 3054-02(05)301: Oxwich Bay House Type Elevations Plot 7
- Drawing No. 3054-03(05)201 Rev A: Windsor House Type Floor Plans
- Drawing No. 3054-03(05)301 Rev A: Windsor House Type Elevations
- Drawing No. 3054-01(05)201: Tresaith House Type Floor Plans
- Drawing No. 3054-01(05)301: Tresaith House Type Elevations
- Drawing No. 00(05)107 Rev A: Street Scene
- Drawing No. 3054-00(05)108: Site Sections
- Drawing No. 3054-00(05)102: Material Layout
- Drawing No. 3054-00(05)110: Boundary Details
- Drawing No. 3054-00(05)103 Rev A: Boundary Layout

- Drawing No. 2302TFL.LS.01: Landscape Layout
- Arboricultural Impact Assessment (dated 16<sup>th</sup> October 2023)
- Bats and Tree Survey V1 (dated 13<sup>th</sup> March 2023)
- Preliminary Ecological Survey (dated 13<sup>th</sup> March 2023)
- Interim Survey Update (dated 16<sup>th</sup> October 2023)
- Reptile Survey Report (dated 17<sup>th</sup> May 2023)
- Site Investigation Report (dated February 2023)
- Tree Survey (dated 6<sup>th</sup> December 2022)
- Tree Constraints Plan (dated 12/22)

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

3. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan 3054 00 (05) 101 approved by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the first dwelling.

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

4. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road layout including its tie in with Tan Y Bryn Gardens highway sections; street lighting details, swept path, surface-water drainage details and highway structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
  - a) the means of access into the site for all construction traffic,
  - b) the parking of vehicles of site operatives and visitors,
  - c) the management of vehicular and pedestrian traffic,
  - d) loading and unloading of plant and materials,
  - e) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

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 above ground development shall commence until;
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) 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 made 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 risks of land instability are fully considered and remediated/mitigated, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the occupation of the development, or it being taken 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 the Local Planning Authority for approval in writing. 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 risks of land instability are fully considered and remediated/mitigated, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Building operations shall not be commenced until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  1. 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.

2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

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

9. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in condition 8 above) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

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

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

11. No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:



- Construction Methods: details of materials, how waste generated will be managed.
- 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 spoils, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extant and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel washing facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure protection of the environment during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

13. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by

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

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

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

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

15. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the existing trees adjacent to the site and in the interests of amenity in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place until a method for precautionary measures in respect of reptiles have been submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

## PLANNING & DEVELOPMENT COMMITTEE

25 April 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 24/0131/08 (KL)  
**APPLICANT:** Rhondda Cynon Taf CBC  
**DEVELOPMENT:** Replacement of the bridge structure and associated temporary work requirements (Additional information submitted 13/03/24 and 26/03/24)  
**LOCATION:** FEEDER PIPE BRIDGE OFF TRAM ROAD, TREHARRIS, CF46 5EF  
**DATE REGISTERED:** 13/02/2024  
**ELECTORAL DIVISION:** Abercynon

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**RECOMMENDATION:** Approve, subject to no further objections being received from NRW, and subject to conditions.

**REASONS:** The proposed development would enable the reinstatement of a pedestrian footpath over an existing bridge structure, following the removal of the original upper bridge deck in 2020 due to significant structural damage caused during Storm Dennis. The reinstated footpath would provide a betterment to the previous facility in that it would be constructed in accordance with current design standards which would provide greater resistance to debris build-up/impact and hydraulic loading in the future. The footpath would also be widened in comparison to the original facility and would reduce its maintenance liability through the use of more appropriate materials (steel as opposed to timber). The development may also result in the pathways in this location being adopted as a Public Right of Way.

Furthermore, the proposed structure is considered to be acceptable in visual terms, and with no residential properties situated within close proximity of the site, the development would not have a detrimental impact upon the amenity and/or privacy of neighbouring properties. The development is also considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site, and it is also considered that the development can be appropriately delivered without any adverse impact upon the ecology of the site and the surrounding area.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

## **APPLICATION DETAILS**

Full planning permission is sought to replace the upper bridge structure of an existing bridge known as Feeder Pipe Bridge, which is located off Tram Road, Treharris. The original upper section of the bridge was removed in 2020 following significant structural damage done during Storm Dennis.

The bridge crosses the boundary between Rhondda Cynon Taf County Borough Council (RCTCBC) and Merthyr Tydfil County Borough Council (MTCBC), and an identical application has also been made to them for consideration.

The new structure would be constructed from two vertical parapet trusses from each of the masonry stone pillars, being positioned between the two pipes that are to be retained and in place of the central pipe, which will be removed. The bridge deck would sit above the trusses, with an increased width of 2.2m (original deck 1.5m in width) and a length of approximately 38m. The deck would be supported by steel out riggers and diagonal bracing members at 3.6m intervals, which would connect with the vertical parapet trusses. The existing abutments and piers would undergo some maintenance works (repointing, vegetation clearance etc.).

The deck is proposed to be constructed from open steel grating to reduce the weight of the bridge, in addition to removing the maintenance liability of the original timber deck and risk of further arson attacks on the structure. Details submitted with the application further suggests that the proposed structural form would provide a greater resistance to debris build-up/impact and hydraulic loading than that of the original bridge.

Access to the site is currently restricted to pedestrian and cycle access only at both RCTCBC and MTCBC sides. It is proposed that a site compound be provided to the south of the site (MTCBC side) which would keep the lifting equipment required to facilitate the proposed works. The ground profile would be raised during the works and the area would then be reinstated to the existing levels upon completion of the works. A secondary access would be provided to the northern side of the river to allow for plant/machinery to construct the north-east abutment. The existing access off Alexandra Place would be utilised however, a temporary access will need to be constructed down to the river level, which is proposed to be 140m in length.

In addition to standard plans, the application is accompanied by the following:

- Planning Statement;
- Arboricultural Impact Assessment V6 (By Temple, dated 06/03/24);
- Invasive Species Survey (By Temple, dated 10/03/23, updated 12/12/23);

- Bat Surveys V2 (By Temple, dated 09/01/24)
- Preliminary Ground Level Tree Assessment V2 (By Temple, dated 28/02/24);
- Preliminary Ecological Appraisal V3 (By Temple, dated 28/02/24);
- Bat Report (By Redstart, dated August 2021);
- Update Otter Survey Memo Report (By Temple, 13<sup>th</sup> March 2023);
- Preliminary Ecological Appraisal (By Redstart, September 2022);
- Precautionary Working Method Statement – Combined for Bats, Birds, Otter, GCN, Reptiles, Hedgehog and Hazel Dormouse V1 (By Temple, 22/03/24).
- Japanese Knotweed Elimination Method Statement (dated 23/04/24)

Members may recall that a planning application for a very similar development was recently reported to and approved by the Planning and Development Committee (planning ref. 23/0549). The works to the bridge in this current scheme are exactly the same as those previously approved however, access would be provided to the southern side of the bridge (MTCBC) rather than through the provision of an access track from the north (RCTCBC). It has been indicated that the southern access off Tram Road is the preferred option however, it is understood that there may be some landownership issues that could prevent this scheme from being implemented. As such, Members are advised that the developer could potentially have two consents however, only one can/will be implemented.

## **SITE APPRAISAL**

The application structure forms a footbridge over the River Taff, near the A470 roundabout at Abercynon. The bridge crosses the border between RCTCBC and MTCBC and is served by surfaced public footpaths either side, effectively connecting Alexandra Road, Abercynon with Tram Road in Treharris.

The bridge structure itself is constructed of stone piers, steel pipes, beams and parapets. It was previously topped with a timber deck which provided a pedestrian footpath across the bridge. The bridge deck and its associated parapets were removed in 2020 following significant structural damage as a result of Storm Dennis, which resulted in a significant amount of debris building up against the bridge, resulting in the footbridge being lifted off its supporting piers.

The surrounding area is semi-rural in character and appearance and typically forms the banks of the River Taff which are occupied by various mature trees/vegetation.

## **PLANNING HISTORY**

The following planning application is on record for this site:

23/0549	Feeder Pipe Bridge, Off Tram Road, Treharris	Replacement of bridge structure	Granted 05/03/24
20/0904	Feeder Pipe Bridge, Footbridge Crossing River	Prior notification of demolition of footbridge	Granted 10/09/20

Taff, Southeast of A470 damaged during  
Roundabout, Abercynon February 2020 storms

## **PUBLICITY**

The application has been advertised through the erection of site notices at both sides of the bridge structure. No letters of representation have been received.

## **CONSULTATION**

**Ecology (RCT):** No objection, conditions recommended.

**Flood Risk Management:** No objection, condition recommended.

**Highways and Transportation:** No objection or condition recommended.

**Merthyr Tydfil County Borough Council:** Whilst no formal response had been received at the time of writing this report, the Planning Officer has discussed the application with the Planning Officer and Ecologist at MTCBC and it is understood that no objection is raised to the proposal. Any comments received will be presented to Members at the meeting.

**Natural Resources Wales:** No objection raised in relation to the information initially submitted, subject to conditions. Further comments in relation to the additional information submitted had not been received at the time of this report being written however, any further comments will be presented to Members at the meeting.

**Public Health and Protection:** No objection. Standard comments provided in respect of hours of operation, noise, dust and waste.

**Welsh Government (Transport):** No objection

**Welsh Water:** No objection however, it is advised that the site is crossed by strategic public sewers and that no operational works shall be permitted within 4.5m either side of the centreline of the combined sewer.

## **POLICY CONTEXT**

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

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

**Policy CS1 (Development in the North):** outlines how the emphasis on building strong, sustainable communities will be achieved in the Northern Strategy Area.

**Policy AW2 (Sustainable Locations):** promotes development in sustainable locations.

**Policy AW 5 (New Development):** sets out the criteria for new development in relation to amenity and accessibility.

**Policy AW6 (Design and Placemaking):** sets out the criteria for new development in terms of design and place-making.

**Policy AW8 (Protection and Enhancement of the Natural Environment):** seeks to preserve and enhance RCTs distinctive natural heritage by protecting it from inappropriate development.

**Policy AW10 (Environmental Protection and Public Health):** sets out criteria for new development in relation to environmental protection and public health.

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

## **Supplementary Planning Guidance**

Design and Placemaking  
Nature Conservation

## **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 12 (PPW) was issued on 7<sup>th</sup> February 2024 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 – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

#### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
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 proposal would result in the provision of a pedestrian footpath over an existing bridge structure which previously benefitted from a similar footpath arrangement. The original bridge structure suffered significant structural damage during Storm Dennis and its removal was required as it became unsafe and unfit for purpose.

The proposed structure will utilise the existing abutments and piers with minor maintenance works required to be undertaken to the existing structure. The replacement bridge (footpath) deck would be constructed in line with current design standards and would provide a betterment by increasing the width of the deck from 1.5m to 2.2m in order to improve accessibility across the bridge. Furthermore, the proposed structural form would provide greater resistance to debris build up/impact/hydraulic loading than that of the previous bridge.

In light of the above, the principle of the proposal is considered to be acceptable subject to an assessment of the criteria set out below:

## **Character and Appearance**

The proposed bridge structure would replace a previous structure at the site, which was required to be removed due to significant structural damage during Storm Dennis. The original piers and abutments have been retained and will be utilised in the provision of the new bridge structure however, the central pipe which currently runs along the full length of the bridge will need to be removed in order to facilitate the installation of the new bridge deck. The two outer pipes would be retained.

Whilst no details have been provided to demonstrate what the bridge deck looked like before its removal, details submitted with the application indicate that current design standards would not allow for the structure to be replaced on a like for like basis. The new structure would be constructed from two vertical parapet trusses from each of the masonry stone pillars, being positioned between the two pipes that are to be retained and in place of the central pipe, which would be removed. The bridge deck would sit above the trusses, with an increased width of 2.2m (original deck 1.5m in width) and a length of approximately 38m. The deck would be supported by steel out riggers and diagonal bracing members at 3.6m intervals, which would connect with the vertical parapet trusses. The deck would be of an open mesh construction which would be enclosed by vertical posts and infill panels.

Given the purpose of the proposed development and its requirement to comply with current design standards, the overall design of the bridge structure is considered to be acceptable in visual terms. Furthermore, the bridge is not particularly visible from the surrounding area, given its secluded location and its position below Tram Road to the south and the network of paths to the north.

As such, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

## **Ecology**

The Council's Ecologist has reviewed the application and the supporting documentation in respect of the ecological impact of the development and is satisfied that the development can be appropriately delivered, subject to a number of conditions.

Updated ecology reports have been provided to support this application and whilst access to the site along the Taff Trail will involve a much-reduced ecological impact in comparison to the initial scheme (ref. 23/0549), there is a more concentrated potential impact within an area of wet riparian woodland to the immediate south of the feeder bridge within the MTCBC area. The bat report identified trees in the vicinity of that area with bat roost potential, and there will also be nesting bird impacts.

The direct river impacts are very similar to the scheme previously considered and the scheme is therefore ecologically acceptable, subject to mitigation. The impacts of the proposed bridge will be reduced, although some tree/woodland impacts along the footpath approach and immediate vicinity of the bridge will occur. As with the northern route application, the species implications of those are manageable through condition, and the tree and shrub management needed to accommodate the works do offer opportunities for woodland management, that can have longer term biodiversity benefit. As such, it will be a case of minimising the short-term impacts of construction and sensitive woodland management (and species mitigation) providing natural habitat enhancement.

Therefore, in terms of ecological impacts, mitigation and enhancement, those within MTCBC will need to satisfy their planning policy requirements and they may be somewhat different to the mitigation/enhancement approach needed for the works proposed on the RCTCBC side of the river. The issues for MTCBC will be considered in the application that has been submitted to them.

On the RCT side, replacement tree planting for any tree loss will not be encouraged however, the delivery of sensitive, compensatory habitat management and invasive plant control will be required through the submission of an appropriate Arboricultural Method Statement (as per planning permission ref. 23/0549).

Consultation has also been undertaken with NRW and whilst concerns have been raised in relation to the proposal, it is advised that those concerns could be addressed by ensuring that conditions regarding European Protected Species and pollution prevention are imposed upon any grant of planning permission.

The comments note the submission of a series of supporting documents including a Preliminary Ecological Appraisal, Preliminary Ground Level Tree Assessment (north and south), Bat Surveys and Otter Survey and it is recommended that these documents be included in the standard plans and documents condition.

Further comments have been provided in respect of otters, bats and pollution prevention as discussed below:

### *Otters*

It is noted that there is evidence of otter within the River Taff in the form of sprainting sites 30 metres up and downstream from the bridge. No holts or potential holts sites were discovered; however, an area suitable for a potential resting location was present 30 metres downstream of the site. It is recommended that within 48 hours of the commencement of any works, a pre-construction inspection for the presence of resting or breeding otter is undertaken by a suitably qualified ecologist and it is recommended that this be incorporated into a Construction Environmental Management Plan (CEMP). Provided that these measures stipulated in the submitted are adhered to and pre-commencement checks are included in a CEMP, it is not considered that the development is likely to be detrimental to the maintenance of the population of these species at a favourable conservation status in their natural range.

### *Bats*

It is noted that no evidence of roosting bats was found within the bridge or abutment. Six trees with low bat roosting potential will be directly affected by the development and soft felling techniques and timing restrictions have been stipulated in the submitted tree assessment report. No trees with moderate or high bat roosting potential are currently proposed to be felled or pruned. A precautionary approach to the removal or modification of trees with moderate or high bat roosting potential is supported.

In light of the comments received from the Council's Ecologist and NRW, the proposal is considered to be acceptable in terms of its impact upon ecology (subject to conditions).

### *Pollution Prevention*

It is noted that the proposal will require works on and adjacent to the river Taff (a main river). The PEAs submitted with the application advise that the construction phase of the proposal will be carried out in accordance with best practice and pollution control measures. It is recommended that a condition for a CEMP is included in any grant of planning permission in order to achieve control of pollution prevention for the water environment.

Further information had been provided following receipt of these comments and further consultation has been undertaken with NRW; however, no further comments had been

received at the time of writing this report. Any further response will therefore be presented to Members at the meeting.

### **Access and Highway Safety**

The application has been assessed by the Council's Highways and Transportation section and no objection is raised to the proposal, nor is any condition recommended. The comments received are summarised as follows:

Access to the site is restricted to pedestrian and cycle access only, via a footpath off Tram Road Side, Treharris and a series of footpaths leading from Alexandra Place, Abercynon. There is no registered Public Right of Way along either of these paths but the creation of one could be considered by RCTCBC and MTCBC on replacement of the bridge. Tram Road Side, Treharris forms part of Route 8 (Cardiff to Anglesey) of the National Cycle Network.

The access proposed in this application is to site the contractor's main compound/works area to the southeast side of the river, adjacent to Tram Road Side, Treharris. This area will enable delivery of most materials, plant, and the positioning of a crane to lift in the new bridge. A satellite compound area will be created within the existing car parking area adjacent to RCT's Highways Maintenance Depot, The Basin Abercynon for site personnel parking and site welfare facilities required for the works.

The works to create the temporary compound area to the southeast will require the clearance of trees and vegetation, to allow a level area to be constructed, which will involve raising ground levels to match the level of the adjacent highway. The area to be cleared will be kept as minimal as possible, whilst ensuring that there is sufficient space available to accommodate the crane radius required for lifting operations and storage of bridge sections, as well as storage of materials and to enable delivery vehicles to exit the highway etc. The proposed crane is 17.3m in length and 8.5m wide (when outriggers in use).

The Access track ABC/25/1 leading to the proposed is via a single track with limited passing bays and provides access to a number of residential dwellings and therefore the applicant shall provide for adequate traffic management proposal to minimise the impact on the existing highway users.

An additional access will be required on the northeast side of the river to allow for plant/machinery to construct the northeast abutment. In main, to access the northeast abutment an existing access track off Alexandra Place, Abercynon, will be used. However, there will be need to construct a temporary access from this track to river level which will be approximately 140m in length.

The proposed will use a private access track PROW ABD 24/1. The applicant will be required to provide sufficient Traffic Management measures to safeguard pedestrians using the PROW.

Taking into account the proposed will be for provision of new / legal public right of way to promote sustainable modes of travel, the construction phase will be for a limited time period limiting disruption to the existing users of the access routes leading to the proposed with the project supervised by the council's infrastructure department on-balance the proposed is acceptable.

In light of the comments received from the Council's Highways Officer, the proposal is considered to be acceptable in terms of the impact it would have upon highway and pedestrian safety and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Residential Amenity and Privacy**

The application site is situated in a secluded location with the nearest neighbouring properties being situated over 270m away to the west and north-west (Abercynon) and over 300m away to the north (Quakers Yard). As such, the proposed works would have no adverse impact upon the amenity and/or privacy of surrounding residential properties and the application would comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

### **Other Issues:**

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

### **Drainage**

The Council's Flood Risk Management team have assessed the application and advise that the construction works would not result in any change to the structure's external footprint, and it is therefore not envisaged that there would be an alteration of the site's surface water discharge rate. As such, no objection is raised to the proposal and no condition is recommended.

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

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

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

### **Conclusion**

The proposed development would reinstate a previous pedestrian footpath over an existing bridge structure, which was removed following significant structural damage in 2020. The new structure would be a departure from its original design, however, it would be constructed in accordance with current design standards and provide a betterment in terms of the pedestrian facility provided and maintenance liability, It would also provide a greater resistance to debris build-up/impact and hydraulic loading.

Notwithstanding the nature of the development and its requirement to comply with current design standards, the proposal is considered to be acceptable in visual terms, and with no residential properties situated within close proximity of the site, the development would not have a detrimental impact upon the amenity and/or privacy of neighbouring properties. Furthermore, the development is considered to be acceptable in highways terms and also in respect of the ecology of the site and surrounding area.

**RECOMMENDATION: Approve, subject to no further objections being received from NRW, and 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 and documents received on 7<sup>th</sup> February 2024 and 14<sup>th</sup> March 2024 by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 333206-00-43-LP: Location Plan & Site Boundary
- Drawing No. 333206-00-24-03 P00: Proposed Elevations & 3D View
- Drawing No. 333206-00-24-05 P00: Proposed Section
- Drawing No. CRXSS056-BBR-00-XX-DR-W-0001 P1: Crane Platform and Access Road.
- Drawing No. CRXSS056-BBR-00-XX-DR-W-0001 P2: Crane Platform and Access Road.

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

3. Notwithstanding the approved plans, the development hereby approved shall be carried out in accordance with the recommendations, mitigation and enhancement measures set out in the following documents:

- Document Ref. GC3880-RED(1)74-XX-RP-L-004 Rev. P1 by Redstart, dated September 2022
- Preliminary Ecological Appraisal – V3 by Temple, by Temple, dated 28 February 2024
- Preliminary Ground Level Tree Assessment North and South V2- by Temple, dated 28 February 2024
- Bat Surveys V2.0 by Temple, dated 9 January 2024.
- Updated Otter Survey Memo Report by Temple, dated 13 March 2023.
- Invasive Species Survey – Feeder Pipe Bridge Replacement, Abercynon, by Temple, dated 12<sup>th</sup> December 2023 (Recommendations)
- Arboricultural Impact Assessment – Abercynon Feeder Pipe Bridge Replacement V6, by Temple, dated 6<sup>th</sup> March 2024.
- Precautionary Working Method Statement – combined for Bats, Birds, Otter, GCN, Reptiles, Hedgehog and Hazel Dormouse (Precautionary), by Temple dated 22<sup>nd</sup> March 2024.

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

4. No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- 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.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption.
- Details of pre-construction otter inspections to be carried out within 48 hours prior to the commencement of works. If any survey confirms the presence of otter, mitigation and/or cogency measures shall be used.
- Biodiversity Management: details of management of invasive species: signal crayfish may be present within the river Taff corridor management; species and habitats protection, avoidance and mitigation measures.
- Traffic Management: details of plant on site and wheel wash facilities.

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure protection of the environment during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a wider Arboricultural/Woodland Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To afford protection to the surrounding woodland, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No works shall commence until an Otter Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. No works shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. No works shall commence until an Access Route Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall include measures for the sensitive management of any trees/shrubs requiring removal or management and details of woodland/trees/shrub and habitat protection measures. The development shall be carried out in accordance with the approved detail.

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





## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### PLANNING & DEVELOPMENT COMMITTEE

25th April 2024

#### SITE MEETING

**APPLICATION NO 23/1169/10 Detached dwelling and upgrade works to access lane. (Coal Mining Risk Assessment received 21/11/23) (amended red line boundary and plans received 15/12/23) LAND TO THE REAR OF MILDRED STREET, BEDDAU**

#### **REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION**

**Author:** Jessica Daniel, Council Business Unit.

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

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Director, Prosperity & Development, attached at Appendix 1.

#### **2. RECOMMENDATION**

It is recommended that Members:

- 2.1 Approve the application in accordance with the recommendation of the Director, Prosperity & Development.

#### **3. BACKGROUND**

- 3.1 In accordance with Minute No 223 (Planning and Development Committee – 7<sup>th</sup> March 2024), a site inspection was undertaken on Tuesday 9<sup>th</sup> April 2024 of the proposed development.
- 3.2 The meeting was attended by Planning and Development Committee Members, County Borough Councillors S Rees, W Lewis, A Dennis, S Emmanuel, D Grehan, L Tomkinson, J Smith, R Williams and Local Member County Borough Councillors R Yeo and J Barton.

- 3.3 Apologies for absence were received from Planning and Development Committee Members, County Borough Councillors J Bonetto, G Hughes and M Powell.
- 3.4 Members met at the entrance to the service lane at the rear of Mildred Street. The Planning Officer advised Members that full planning permission was sought for the construction of a detached dwelling and upgrade works to the adjacent service lane at land to the rear of Mildred Street, Beddau.
- 3.5 The Planning Officer noted the recommendation to approve the application as the principle of development is considered acceptable and the proposed scheme would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.
- 3.6 The Planning Officer highlighted to Members the full list of points raised as objections as contained within the report and that there were no objections raised from statutory consultees.
- 3.7 Members sought further clarification on the highways response to the proposal. The Planning Officer outlined to Members that the report acknowledged the sub-standard access however as stated in the report it is the view of Highways Officers that the works to widen the access-lane, to provide a carriageway widened to 4.5m with a large section widened to 5.5m and a full size turning facility which can accommodate the turning movements associated with a residential use such as a refuse vehicle. Members were also informed that taking into account the limited additional traffic to that which already occurs, the improvements suggested to overcome previous concerns by widening the existing lane with provision of full size turning facility which will not only result in the application being acceptable as a shared use for pedestrians and vehicles but will provide a wider lane width to enable residents of Mildred Street to provide rear off-street car parking with the lane width providing easier access to the rear garden should residents wish to convert gardens to parking spaces or use existing facilities
- 3.8 Members sought clarification on the location of the proposed widening of the lane and the Highways Officer and Planning Officer clearly marked out

the proposed changes. Members noted the position of telegraph pole in place at the opening of the access lane and the Planning Officer confirmed there would be no impact to this as part of the proposals.

- 3.9 Members walked up the lane and entered the site for the proposed dwelling taking into account the position of the proposed turning facility.
- 4.0 Members queried the level of the proposed dwelling. The Planning Officer provided visual plans for Members and pointed out the indicated levels. Members also discussed the positioning of windows as indicated on the visual plan.

Members noted the position of a culvert at the top of the site and queried the impact the proposed development could have. The Planning Officer informed Members that as indicated by the submitted plans, there is no development to be carried out in this area. The Planning Officer advised that the applicant would be required to complete a Sustainable drainage systems (SuDS) application with the Council.

- 4.1 Local Member, County Borough Councillors R Yeo and J Barton spoke of their concerns in respect of the impact on highways safety as a result of the proposed development sharing local knowledge of how the lane is currently used and accessed by residents of Mildred Street. The Local Members also highlighted concerns in respect of drainage and the vision splays at the junction of the access lane. Concerns were also raised over the overbearing impact and loss of light on neighbouring properties. The Local Members also expressed ecology concerns highlighting particular wildlife including bats that are believed to be habituating in the site.
- 4.2 The Chair thanked the Officers for the report and closed the meeting.

**Additional correspondence received.**

- 4.3 Members are advised that since the original report was reported to Committee on the 7<sup>th</sup> of March 2024, 3no. late letters to the application from existing objectors have been received. The letters raise questions with regard to the levels and boundaries of the site. These matters have been assessed by the Planning Officer and it is not considered that there are any issues in this regard.

A late letter also requested that a stage 1 habitat assessment is submitted to support the application. As set out within the Officers report the Council's ecologist has assessed the application and did not consider a full ecology survey was required in this case. This is because the trees at the rear of the site would not be touched during development and because the rest of the site is cleared, made ground with only some minor general

scrub regrowth, which would unlikely support any protected species. As such, no objection to the application was raised, subject to a standard condition for biodiversity/ecology mitigation/enhancement measures to be implemented on site both during and after development should the development gain consent.

## **PLANNING & DEVELOPMENT COMMITTEE**

**07 March 2024**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1169/10 (JE)  
**APPLICANT:** Mr J Pritchard  
**DEVELOPMENT:** Detached dwelling and upgrade works to access lane.  
(Coal Mining Risk Assessment received 21/11/23)  
(amended red line boundary and plans received 15/12/23)  
**LOCATION:** LAND TO THE REAR OF MILDRED STREET,  
BEDDAU  
**DATE REGISTERED:** 20/10/2023  
**ELECTORAL DIVISION:** Beddau and Tyn-y-nant

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#### **RECOMMENDATION: APPROVE**

**REASONS:** The principle of development is considered acceptable and the proposed scheme would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, 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**

- Three or more letters of objection have been received.
- A request has been received from local Member Councillor Julie Barton for the matter to come to Committee so that Members can consider the key issues of the application.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached dwelling and upgrade works to the adjacent service lane at land to the rear of Mildred Street, Beddau.

The proposed dwelling would be located centrally within the plot with an area of parking to the front and a garden to the rear. The dwelling would measure a width of 12.4 metres by a depth of 12 metres. The dwelling would have a hipped roof design which also incorporates 2no. gable features on its front elevation measuring a maximum height of 8 metres sloping to 5.1 metres at the eaves. Access to the dwelling would be via an existing service lane which adjoins Heol Y Beddau to the south east of the proposed dwelling.

The proposed upgrade works to the lane would consist of increasing the width from 3.5 metres to between 4.5 and 5.5 metres and the creation of a formal turning head along with new surfacing.

The application is supported by:

- Coal Mining Risk Assessment
- Coal Mining Technical Note
- Green Infrastructure Statement

## **SITE APPRAISAL**

The application site is an irregular parcel of land located within the settlement of Beddau. The site occupies a position to the rear of Heol Y Beddau and has been historically cleared and is currently largely open with an area of vegetation along its northern boundary and a large tree to the western boundary of the site. The site is bounded by properties at Wellfield Mews to the north, a storage unit within the ownership of the applicant to the east and residential properties along Heol Y Beddau to the south and west. The site occupies an elevated position above the storage unit to the east and the properties to the south, with a decrease in levels seen towards the site access.

The area surrounding the site is residential in nature and is characterised by various property types.

## **PLANNING HISTORY**

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

**19/0791/10:** LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG

Single storey storage unit. (Coal Mining Risk Assessment Received 26/09/19)

Decision: 23/10/2019, Grant

**20/0278/38:** LAND OFF HEOL Y BEDDAU, TYNANT, BEDDAU, PONTYPRIDD.

Discharge of condition 6 Site Investigation Report

Decision: 18/09/2020, Grant

**21/0431/15:** STORAGE UNIT OFF HEOL Y BEDDAU, PONTYPRIDD, CF38 2AG  
Variation of condition 2 (approved plans) to seek permission for amended building location, building height, forecourt and external cladding. (Original application 19/0791/10). (Amended Plans Received 02/08/21)  
Decision: 26/11/2021, Refuse

**22/1409/39:** LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG  
Non Material Amendment to regularise changes made to the external elevations and inclusion of internal toilets.  
Decision: 14/04/2023, Grant

**23/0349/39:** LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG  
Reduce external ground level and extend cladding by 300mm.  
Decision: 12/05/2023, Grant

## **PUBLICITY**

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

5no. letters of objection have been received from neighbouring occupiers following consultation. The points raised have been summarised below:

- Within the period from 1994 to the present we have had consistent observed sightings of bats in the vicinity, with the unconfirmed suspicion of roosting within at least one of the multiple known protected trees. This also highlights the fact only one protected tree is mentioned within the report. In addition, there has been sighting of mammals, birds including nesting birds and butterflies within the vicinity of the site. The site accommodates visible reptile habitat and Dormice are known to inhabit the area including Tynant Woods and the Church Village Bypass. As such, the application should be accompanied by a relevant ecological assessment.
- It is well known by the local residents that a culvert is in place following the fence line of Wellfield and runs into the drains within Wellfield Mews. There have been a number of flooding incidents historically in the road that joins Wellfield, Wellfield Mews and Mildred Street especially during the development of Wellfield itself. In support of local drainage concerns, there are numerous zone 2 and 3 flooding issues within the nearby environment as highlighted in NRW's own flood planning map. There are no considerations or plans within the application to show how this drainage is expected to support the removal of greenfield land or the development process.
- The size of the building and the location within the plot would be intrusive to neighbours including ourselves within 45 Wellfield.

- The new dwelling sits to the south east of 45 Wellfield. It would significantly reduce the amount of light into both the home and garden as well as removing the current view towards Garth Mountain.
- The development is likely to result in a devaluation of our property as well as that of our neighbours.
- The house will obstruct my sunlight, will be an eyesore and I feel an infringement of my privacy.
- I don't feel the land is a suitable place to build a 5 bedroom dwelling so close to existing houses.
- The house will block out light to our house and will look over our home.
- Very close proximity to boundary fence.
- Lights from planned property will impose on my property.
- Building is directly over a culvert pipeline.
- Increase noise and disturbance levels.
- Previous application that came before committee was refused due to highway safety concerns.
- Concerns around the accuracy of the information within the supporting coal mining information.
- Highway safety concerns associated with the use of the access lane to serve the dwelling.
- Vision splays required for the safety of pedestrians and highway safety is not possible due to existing garages and walls.

Members are advised that an objector has also raised a number of concerns with regard to the use of the adjoining storage unit under the ownership of the applicant which they consider is being operated in breach of the approved conditions. These concerns do not relate to this current application and have been passed to the Council's Planning Enforcement team and will be investigated separately to this planning application.

## **CONSULTATION**

**Transportation Section:** No objection subject to conditions.

**The Coal Authority:** No objection.

**Flood Risk Management (Drainage):** No objection subject to condition.

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

**South Wales Fire and Rescue:** No objection.

**Countryside (Ecology):** No objection raised subject to condition with regard to ecological enhancement measures.



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

## **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 Beddau and is not allocated for any specific purpose.

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

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

**Policy AW2** - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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

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

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

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

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

**Policy SSA13** – supports new residential development within the settlement boundary in the Southern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Delivering Design and Placemaking: Circulation & Parking Requirements
- Nature Conservation
- Planning Obligations

### **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 12) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

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

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The proposed site for the dwelling is located within the defined settlement boundary and forms part of a large residential area of Beddau. As such the proposed dwelling would comply with LDP Policies CS2, AW1 and SSA13, all of which support the provision of new housing on unallocated sites within settlement boundaries in the Southern Strategy area.

The application site is also within easy walking distance of public transport links with satisfactory links to the wider community to promote sustainable modes of transport. As such, the application is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

With regard to the works to the access lane, these works would involve the improvement of an service lane that would also provide a benefit to neighbouring properties along Mildred Street along with serving the proposed dwelling.

Therefore, the principle of development could be considered acceptable subject to compliance with the criteria set out below.

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

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

Whilst there is some concern with regard to the siting of the dwelling to the rear of existing development in this area, which could be considered to form 'backland development', when considering recently refused application ref. 22/1270/10 which proposed a similar dwelling at a plot to the rear of existing dwellings in Ynyshir and was refused for this reason, it is noted that during the subsequent appeal the Inspector had no concerns in terms of 'backland development' and the appeal was allowed. There have also been several other similar schemes more recently throughout the County Borough which have each been approved. It is not considered that this proposed development would be dissimilar from these cases and therefore, it is the application is, on balance, considered acceptable in this regard.

The submitted site layout plan indicates the site is large enough to accommodate the proposed dwelling whilst also retaining sufficient amenity space and off street parking. As such, it is not considered that the proposal would result in overdevelopment of the plot. Whilst the proposed dwelling would be of a significant scale that would result a prominent addition to the site and the immediate area, given the varied nature of the surrounding properties it is considered the proposed dwelling could be accommodated without causing unacceptable harm to the overall character and appearance of the area.

Notwithstanding the above, given the scale of the site and dwelling there is the potential for significant additions through the use of permitted development rights,

which could result in an unacceptable impact. As such, to ensure that any further extensions or additions do not adversely impact upon the character and appearance of the area a condition is set out below to remove permitted development rights.

The application currently lacks sufficient information in relation to landscaping. Nevertheless, it is considered that these matters could be controlled via suitably worded conditions.

As such, it is considered that the proposals will not have a significant impact on the character or appearance of the area and the application is compliant with the relevant requirements of Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

As the site is located within settlement limits, in a predominantly residential area, it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy.

Given the siting of the development any impact upon residential amenity would be greatest upon properties at Wellfield Mews to the north and Heol Y Beddau to the south. These impacts are considered in more detail below.

With regard to properties at Heol Y Beddau, the rear elevation of these dwellings would be separated by approximately 22.8 metres at their closest point from the proposed dwelling. As such, whilst the dwelling would form a visible addition from these dwellings given the side on relationship any impact would be typical of that which occurs between neighbouring properties within the vicinity and is considered acceptable.

Turning to the impact upon properties at Wellfield Mews to the north which are separated by approximately 13 metres from the dwelling. It is appreciated that the proposal would have its greatest impact upon this elevation and would be a prominent addition from the rear of the properties. However, when considering that these properties are elevated above the proposed dwelling by approximately 1.8 metres along with the separation distance, it is not considered that any impact would be great enough to warrant a refusal of the application. Members are also advised that following the consultation exercise amended plans were received which decreased the ridge height of the property by 1 metre to address concerns raised.

When considering the impact upon the privacy of neighbouring occupiers which has been raised by the objectors, given the orientation of the property and the fact that first floor windows on the side elevations would be obscured glazed, it is not considered that the proposed dwelling would exacerbate existing levels of overlooking that have been established between neighbouring properties within the vicinity of the site.

The objectors also raised concerns regarding loss of light to their property. Taking into account the relationship with the closest neighbouring properties set out above, it is not considered that the development would result in any adverse loss of sunlight and overshadowing of surrounding properties. In addition, matters surrounding the right to light form a civil matter and do not form a material planning consideration.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **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 application with regard to highway safety and parking provision. The following response was received:

#### Access

Access to the proposed development would be via the adopted lane served off Heol-y-Beddau. The lane also provides access to rear off-street parking for multiple dwellings on Mildred Street and the applicant's existing storage unit.

The lane is severely sub-standard in terms of width to accommodate 2-way traffic flow, junction radii, vision splays to the left, segregated pedestrian footway facilities, turning area, street lighting, highway drainage and structural integrity. However, the applicant has overcome these concerns by purchasing a strip of land adjacent to the lane to provide a carriageway widened to 4.5m with a large section widened to 5.5m and a full size turning facility which can accommodate the turning movements associated with a residential use such as a refuse vehicle. The lane is currently adopted highway class 6 which requires reactive maintenance only. The applicant proposes to upgrade the lane access including the widened section and offer for adoption which can be conditioned accordingly.

The proposed dwelling will result in between 7-10 vehicular movements per day. Taking into account the limited additional traffic to that which already occurs, the improvements suggested to overcome previous concerns by widening the existing lane with provision of full size turning facility which will not only result in the application being acceptable as a shared use for pedestrians and vehicles but will provide a wider lane width to enable residents of Mildred Street to provide rear off-street car parking with the lane width providing easier access to the rear garden should residents wish to convert gardens to parking spaces or use existing facilities.

#### SPG Access, Circulation & Parking 2011.

The proposed dwelling requires up-to a maximum of 3 off-street spaces with 3 provided which is acceptable.

## Conclusion

The existing access lane is sub-standard for use as a residential access. However, taking into account the limited additional traffic generated by one dwelling, the improvements proposed by widening the carriageway with provision of a full size turning facility which is acceptable as a shared use for residents and vehicles along with the benefit of ease of access to the rear of existing dwellings on Mildred Street for residents wishing to park off-street, the proposed is acceptable in highway safety terms.

## **Ecology and Biodiversity**

Whilst the comments of the objectors that the application has not adequately addressed ecology issues are noted, following consultation the Council's Ecologist has set out that given the nature of the site and the scope of the works proposed with the cut and fill operations outside of the area of the retained trees, any associated ecological implications would be limited. As such, no specific ecological assessment is required to support the application, however, to ensure that the proposed development results in a positive impact upon biodiversity a condition requiring details of bat/bird bricks is set out below.

## **Historic Coal Mining Activity**

Following the submission of a Coal Mining Risk Assessment and subsequent technical note in support of the application, 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.

## **Public Health**

The Public Health and Protection Division suggested a number of conditions be attached to any consent in relation to construction noise, waste, dust and soil sampling. Whilst these comments are appreciated, it is considered that these issues 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.

## **Drainage**

Following consultation, the Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard 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.

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

The loss of view and impact upon property values were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this application.

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

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

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

The CIL (including indexation) for this development is expected to be £35601.84.

### **Conclusion**

The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application 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 no's
  - 2951 NB 01
  - 2951 NB 02and documents received by the Local Planning Authority on 15/12/23, 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.

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

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

4. Before the development is brought into beneficial occupation, the means of access, together with the parking and turning facilities, shall be laid out in accordance with submitted plan 2951 NB 02 REV A and constructed in accordance with details to first be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

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

5. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the works to the existing lane running parallel to Mildred Street including lane widening, turning facility and its tie in with Heol Y Beddau together with sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

6. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system.

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

7. No development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,



- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process.

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.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

10. Prior to the commencement of development, details for the provision of bat/bird bricks/ boxes (incorporated within the scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no extensions, outbuildings or any other structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the site and amenity of neighbouring occupiers in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

## PLANNING & DEVELOPMENT COMMITTEE

25 APRIL 2024

### INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

#### UNDER DELEGATED POWERS

#### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

##### 1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 01/04/2024 – 12/04/2024

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

##### 2. RECOMMENDATION

That Members note the information.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

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

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**25 APRIL 2024**

**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**

No new appeals  
No appeal decisions

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**01/04/2024 and 12/04/2024**

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**Tonypandy**

**24/0096/10**

Decision Date: 09/04/2024

**Proposal:**

Retrospective - raise height from 3.5 meters to 4meters, new timbers and corrugated roof, recordable CCTV.

**Location:**

1 CHARLES STREET, TONYPANDY, CF40 2AP

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**Aberaman**

**24/0130/10**

Decision Date: 05/04/2024

**Proposal:**

Detached garage with outhouse to replace garage & store

**Location:**

8 PANT-Y-FEDWEN, GODREAMAN, ABERDARE, CF44 6LL

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**Aberdare East**

**24/0159/10**

Decision Date: 12/04/2024

**Proposal:**

Single storey flat roof extension to the rear.

**Location:**

64 CARDIFF STREET, ABERDARE, CF44 7DG

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**Aberdare West and Llwydcoed**

**24/0233/10**

Decision Date: 10/04/2024

**Proposal:**

Erection of a Single storey rear extension.

**Location:**

18 QUEEN STREET, CWMDARE, ABERDARE, CF44 8TT

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**Brynna and Llanharan**

**24/0215/10**

Decision Date: 08/04/2024

**Proposal:**

Double storey side extension.

**Location:**

74 HEOL DEWI, BRYNNA, PONTYCLUN, CF72 9SQ

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**24/0218/15**

Decision Date: 03/04/2024

**Proposal:**

Variation of condition 1 of planning permission 17/1236/10 to extend the permission for a further five year period

**Location:**

21 TRENOS GARDENS, LLANHARAN, PONTYCLUN, CF72 9SZ

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**Cwm Clydach**

**24/0231/23**

Decision Date: 09/04/2024

**Proposal:**

Prior notification of proposed demolition of all buildings on site (former RCTCBC head office - 3no. two storey offices, 2no. single storey offices, training suite, security lodge and 2no. garages).

**Location:**

CLYDACH VALE RHONDDA CYNON TAF CBC, CAMBRIAN COURT BUSINESS PAVILION, CLYDACH, TONYPANDY, CF40 2XX

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**Cwmbach**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**01/04/2024 and 12/04/2024**

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**Cwmbach**

**23/0897/13** Decision Date: 05/04/2024  
**Proposal:** Detached house with garage parking for 1 car and off road parking for a further 2 cars (Outline)  
**Location:** PIT PLACE, ABERDARE ROAD, CWM-BACH, ABERDARE

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**Cymer**

**24/0150/10** Decision Date: 10/04/2024  
**Proposal:** Ground floor rear extension  
**Location:** 2 TREHARNE COURT, LINCOLN STREET, CYMER, PORTH, CF39 9AS

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**Ferndale and Maerdy**

**23/1432/15** Decision Date: 12/04/2024  
**Proposal:** Section 73 Variation of Condition application: Condition 2 to be reworded to allow an additional year for the submission of the application for approval of the reserved matters, i.e. the application to be made before 30th  
**Location:** LAND ADJACENT TO BLAKE STREET, MAERDY, FERNDALE

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**24/0172/10** Decision Date: 08/04/2024  
**Proposal:** Change of use from a shop to a ground floor flat  
**Location:** 8 CERIDWEN STREET, MAERDY, FERNDALE

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**Hawthorn and Lower Rhydfelen**

**24/0237/10** Decision Date: 10/04/2024  
**Proposal:** Proposed first floor rear bedroom extension.  
**Location:** LYNDAL, CARDIFF ROAD, HAWTHORN, PONTYPRIDD, CF37 5AG

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**Llanharry**

**24/0176/10** Decision Date: 08/04/2024  
**Proposal:** Single storey orangery to the rear  
**Location:** 63 BIRCH GROVE, LLANHARRY, PONTYCLUN, CF72 9HZ

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**Llantrisant and Talbot Green**

**24/0208/10** Decision Date: 08/04/2024  
**Proposal:** Demolish rear conservatory, construct a single storey rear extension.  
**Location:** 44 SUMMERFIELD DRIVE, LLANTRISANT, PONTYCLUN, CF72 8QF

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**Llantwit Fardre**



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**01/04/2024 and 12/04/2024**

**Llantwit Fardre**

- 24/0023/10** Decision Date: 04/04/2024  
**Proposal:** Engineering works to enable parking and create access onto the classified road  
**Location:** THREE JAYS, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2HL

- 24/0024/19** Decision Date: 11/04/2024  
**Proposal:** Works to Willow Tree, remove the leaning section. The tree is at risk of damaging outbuildings.  
**Location:** 26 CLOS CEFN GLAS, LLANTWIT FARDRE, PONTYPRIDD, CF38 2BS

**Pentre**

- 24/0211/10** Decision Date: 08/04/2024  
**Proposal:** Two storey extension.  
**Location:** 23 MAINDY ROAD, TON PENTRE, PENTRE, CF41 7HB

**Pontyclun Central**

- 24/0142/10** Decision Date: 04/04/2024  
**Proposal:** Alterations to dwelling - new entrance canopy, windows and external doors, size alteration to one window opening, new roof structure to shed and carport, roof-light and alteration to  
**Location:** 36 LLANTRISANT ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9DQ

**Pontyclun West**

- 23/0951/10** Decision Date: 08/04/2024  
**Proposal:** Garage conversion, upgrade existing conservatory and all associated works  
**Location:** 42 RHYD-Y-NANT, PONT-Y-CLUN, PONTYCLUN, CF72 9HE
- 24/0148/10** Decision Date: 12/04/2024  
**Proposal:** Installation of four rapid electric vehicle charging stations and ancillary equipment within the car park of Unit E4, Coedcae Industrial Estate.  
**Location:** UNITS E4 SILFLEX LTD, COEDCAE INDUSTRIAL ESTATE, TALBOT GREEN, PONTYCLUN, CF72 9HG
- 24/0167/10** Decision Date: 11/04/2024  
**Proposal:** Change the use class from A2 to D1 to allow for music / piano tuition.  
**Location:** CANNON AND SMITH LAW PRACTICE, 37A COWBRIDGE ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EB

**Taff's Well**

- 24/0018/10** Decision Date: 04/04/2024  
**Proposal:** Proposed single storey entrance lobby, bathroom, workshop and sun lounge extensions, solar above existing kitchen annexe.  
**Location:** ALDSWORTH HOUSE, CARDIFF ROAD, TAFF'S WELL, CF15 7PR

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**Development Control : Delegated Decisions (Permissions) between:**

**Report for Development Control Planning Committee**

**01/04/2024 and 12/04/2024**

**Ton-teg**

**24/0141/10**

Decision Date: 10/04/2024

**Proposal:**

Ground floor extension.

**Location:**

BRYN VILLA, MAIN ROAD, TON-TEG, PONTYPRIDD, CF38 1PN

**Treforest**

**23/1219/10**

Decision Date: 04/04/2024

**Proposal:**

Change of use to a beauty salon

**Location:**

THE ANNEXE, REAR OF 95 THE BROADWAY, TREFOREST, PONTYPRIDD, CF37 1BE

**23/1349/10**

Decision Date: 10/04/2024

**Proposal:**

Replace timber framed windows with UPVC double glazed windows, replace fall from height metal railings to front boundary with 1100mm high metal railings (amended description and applications forms received

**Location:**

CASTLE SQUARE CONGREGATIONAL CHURCH, CASTLE STREET, TREFOREST, PONTYPRIDD

**Treorchy**

**23/1239/12**

Decision Date: 02/04/2024

**Proposal:**

Alterations to Dyfodwg Street building elevation to include new main entrance, storage, and private access, refurbishment and reconfiguration of the entrance foyer and box office (application for Listed Building Consent

**Location:**

PARC AND DARE THEATRE, STATION ROAD, TREORCHY, CF42 6NL

**24/0100/10**

Decision Date: 12/04/2024

**Proposal:**

Two storey rear extension

**Location:**

62 REGENT STREET, TREORCHY, CF42 6PN

**Tylorstown and Ynyshir**

**24/0077/10**

Decision Date: 10/04/2024

**Proposal:**

Garden boundary wall

**Location:**

10 GROVE HOUSE COURT, PONTYGWAITH, FERNDALE, CF43 3LJ

**Ystrad**

**24/0117/23**

Decision Date: 04/04/2024

**Proposal:**

Prior approval for works to Gelli Crossing Footbridge

**Location:**

GELLI CROSSING FOOTBRIDGE

Total Number of Delegated decisions is 29

**Pontyclun West**

**23/0903/10**

Decision Date: 03/04/2024

**Proposal:** Part retrospective Engineering works to enable use of land for horticultural / allotment use and vehicular access.

**Location:** LLYS NEWYDD, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9BZ

**Reason: 1** The proposed engineering works to form the proposed access would represent a visually incongruous form of development which would have a detrimental impact on the character and appearance of the conservation area and surrounding area. This is contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's Design and Placemaking SPG.

Additionally, there is insufficient information to appropriately assess the impact upon the Historic Park and Garden which is contrary to Technical Advice Note 24 and Planning Policy Wales 6.1.19.

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Total Number of Delegated decisions is 1

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