

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
17 AUGUST 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

| | Agenda Item No.5 |
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| APPLICATIONS RECOMMENDED FOR APPROVAL | |

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No:15/1501 - To complete and retain alterations - including upgrading safety facilities, accessibility and amenity as well as creating 1 additional living unit, The New York Hotel, York Street, Porth.
2. Application No:15/1629 - Block wall and fence as sound barrier to M4 motorway and filling in of small ponds with inert material. (Amended description, plans and documents received on 13th April 2016), Otters Brook Trout Pools, Ivor Park, Brynsadler, Pontyclun.
3. Application No:17/0132 - Existing Church Hall with meeting rooms, class rooms and kitchen to be converted into 9 Residential Flats (amended plans and bat survey received 29/03/17. Additional bat survey received 26/06/17), St Margerets Church Hall, Wyndham Crescent, Cardiff Road, Aberaman, Aberdare
4. Application No:17/0321 - The erection, 25 year operation and subsequent decommissioning of a wind turbine with a maximum overall tip height of 121.5m, 20m micro siting, new and upgraded access tracks, hard standing areas, control building/substation, transformer housing and cabling, land adj. to former Nant-Y-Gwyddon Landfill Site
5. Application No:17/0650 - Demolition and rebuild of existing garage (Change of Location Address), land opposite 28/29 The Avenue, Pontygwaith, Ferndale.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 15/1501/10 (BJW)
APPLICANT: Ziman Investments Ltd
DEVELOPMENT: To complete and retain alterations - including upgrading safety facilities, accessibility and amenity as well as creating 1 additional living unit.
LOCATION: THE NEW YORK HOTEL, YORK STREET, PORTH, CF39 9UP
DATE REGISTERED: 08/04/2016
ELECTORAL DIVISION: Porth

RECOMMENDATION: Approve

REASONS:

The proposed external works and internal refurbishment are considered to be in keeping with the character and appearance of the surrounding area and, subject to appropriate conditions, would not adversely impact on the amenity of neighbouring properties. The additional unit of residential accommodation would add to the variety of accommodation within the area and would be consistent with the predominant use in the surrounding area.

REASON APPLICATION REPORTED TO COMMITTEE

The applicant intends to re-establish the use of the premises as a public house and this proposal is not covered by determination powers delegated to the Service Director, Planning.

APPLICATION DETAILS

The application seeks retrospective consent for the internal refurbishment and external works to the New York Hotel, York Street, Porth.

Specifically, the application seeks to regularise the following works:

- Upgrading of the original 4 no. "bed and breakfast" rooms. This would include the improvement of safety and access arrangements to bring the rooms in line with current building regulations and fire safety regulations through improved escape routes, widening of access points and level thresholds.
- The reconfiguration of the existing bar area to provide additional restaurant and function room accommodation as well as also improvement of the safety and access arrangements to bring these rooms in line with current building

regulations and fire safety regulations through improved escape routes, widening of access points and level thresholds.

- Reconfiguration of the space of the former residential accommodation (a manager's flat and one addition flat) and the provision of new flat as well as improvement of the safety and access arrangements to bring the accommodation in line with current building regulations and fire safety regulations through improved escape routes, widening of access points and level thresholds.
- Retention of two rear facing pitch roof dormers to serve the existing flat and the one new flat within the second floor (roof space) of the property. The dormers include distinctly shaped windows which enable glazing to be obscure (with hinge limiters) to a height of 1.8m but clear above that level. This will prevent overlooking of existing properties to the rear while still allowing a view of the surrounding area beyond those properties.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposed development would restore the bar area to its original focus as well as catering for private functions. In addition, it is intended to provide a coffee/tea room in the day and restaurant during the evening. One of the residential units would be allocated for a live in manager while the other two maisonettes and the B&B accommodation would be available for holiday lets and for travelling workers.

SITE APPRAISAL

The New York Hotel is a landmark corner property, possibly from the late 19th Century and occupying several storeys of a steeply sloping site. The property consists of a basement, ground, first and attic floor accommodation across the site.

The basement is accessed directly off the highway at the front of the property and was historically used as a beer cellar. The ground floor consists of the main bar and function rooms and is accessed from the main side door of the premises while the first and attic floor accommodation are accessed through the rear of property and internal arrangements.

The property is located within a predominantly residential area with views over the rear of properties in North Road.

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. Two responses have been received, the main points of which are detailed below:

1. There are rumours that the accommodation would be a “half-way house” for ex-prisoners and/or drug addicts.
2. A few of the windows overlook my bedroom (North Road).
3. There is limited parking here, especially in front of where the bar and cafe are to be located.
4. Concerns regarding noise generation through music and people leaving the bar late at night.

CONSULTATION

Transportation Section – the proposed refurbishment of the existing facilities increases the off-street car parking demand by 1 space with none provided. There is concern that the proposed / existing facility does not provide for any off-street car parking leading to on-street car parking to the detriment of safety of all highway users. However, taking into account the proposed brings an existing building back into use and is in the heart of the community where by the majority of trips would take place on foot or by public transport being on the outskirts of Porth Town and the increase in the requirement is only 1 space on balance the proposal is acceptable.

Land Reclamation and Engineering (Drainage) – no response received.

Public Health and Protection Division – no objection. It is advised that the Premises Licence previously associated with the New York Hotel, Porth was surrendered circa December 2011. As such, should the applicant be proposing to bring the premises back into use as a public house / restaurant, it is advised that they contact the Local Authority's Licensing Team.

The building is positioned in a largely residential setting and as such there is the potential for the activities associated with the proposed business to impact on local residents. Should the applicant be considering the provision of 'entertainment' (i.e. live / recorded music etc) at the venue, they should contact the Council's Public Health and Protection Division to discuss this matter further.

Dwr Cymru/Welsh Water – no objection subject to conditions and standard informative notes.

Wales and West Utilities – no objection. Advice is offered regarding safe working practices in relation to Wales and West Utilities apparatus which may be in the vicinity of the site.

Western Power Distribution – no response received.

South Wales Fire and Rescue Service – no response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary in Porth and is unallocated.

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - supports development in sustainable locations.

Policy AW5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW6 - lists design and place making criteria that will be supported in new development proposals.

Policy NSA13 – gives criteria for the conversion of large buildings for residential purposes.

Supplementary Planning Guidance: Development of Flats – Conversion and New Build.

National Guidance

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 7 (Economic Development).

Planning Policy Wales Technical Advice Note 12: Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 site is located within a predominately residential area, although there are several commercial and community uses within the immediate locality.

The historic commercial use as a public house could have had a negative impact on neighbouring properties due to noise from the business and patrons leaving the premises. However, it is noted that the premises licence for the property was surrendered back in 2011 and a new licensing application will need to be undertaken in order for the property to operate as a bar/restaurant. Consequently, it is considered that the use of the premises, has not been abandoned, in planning terms, but will still be subject to further scrutiny and regulation under separate legislation.

In terms of the internal works to the property, these are largely the reconfiguration of rooms and access arrangements to improve and facilitate access and safety works. As such, these are considered to be “permitted development” as they are within the existing envelope of the property.

However, the provision of an additional unit of accommodation and the rear facing dormer windows are material alterations to the property and require planning permission. In this regard it is considered that the provision of an additional unit of accommodation within a sustainable location, close to alternative modes of transport would be broadly acceptable. Additionally, the insertion of the two, pitched roof dormers, to provide additional accommodation would also be broadly acceptable. The other implications of the alterations will be more fully considered later within the report.

Impact on neighbouring properties

While the use of the commercial element of the property is proposed to be altered, this would be facilitated by internal works to the existing spaces and would be considered permitted development. The use would also be within the same A3 use class that covers public houses and restaurants.

However, the property would be subject to an application for a new licence as the previous Premises Licence was surrendered in 2011. This would allow further scrutiny and control of the operation of the property by the Local Authority.

In terms of the potential for overlooking onto properties in North Road, there are no new windows being installed within this facade of the property and it is therefore considered that the proposal would not have an additionally detrimental impact in this regard.

In respect of the new dormers in the rear elevation, while it is acknowledged that they do overlook and are overlooked by properties at the rear of the site (Birchgrove Street), the installation of a mixture of obscure glazed windows to a height of 1.8m from finished floor level and clear glazing above is considered to adequately and acceptably mitigate this issue. It is further acknowledged that there have been no objections from properties in Birchgrove Street in this regard.

Effect on the visual amenity of the area

The property was in a disused and dilapidated condition since its ceased trading in 2011 and was visually detrimental the character and appearance of the surrounding area. The applicant claims that the spot repairs to the property, over time, became a comprehensive program to renovate the building.

It is considered that the majority of works being carried out are internal works and external repairs. The main external alteration is the two pitched-roof dormers to the rear of the property.

It is considered that the renovation works to the existing external facades of the property would improve the visual appearance of the building. With regard to the rear dormers, it is considered that these form an acceptable addition to the property that is acceptable in visual terms.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds. This view acknowledges that there is concern with regards the lack of space on-street for the existing and proposed residents. However, taking into account the proposal only marginally increases the off-street car parking demand by one space and the sustainable location, on balance the proposal is acceptable.

Other issues

The responses received from neighbouring properties are acknowledged and the following comments are offered:

1. While the tenure of the accommodation is a matter for market forces and not a planning issue, the applicant has confirmed that it is their intention to use the property as a hotel and restaurant in line with a similar property that they operate on Corporation Road in Newport.
2. No new windows are proposed on the elevation that already overlooks North Road. The developer would however consider obscuring the window.
3. The application proposes a single additional unit of accommodation at the site. While there is limited on-street parking available it is considered that an additional unit would not warrant an objection to the proposal on highway

safety grounds. Additionally, the site is within a sustainable location that is accessible to alternative transport modes.

4. In terms of noise from activities on site and patrons leaving the premises, as is specified above, the previous Premises Licence was surrendered when the property ceased trading in 2011. Consequently, a new Premises Licence would be required to operate the business. The licence would be also subject to public consultation, scrutiny and control by the Local Authority.

Community Infrastructure Levy (CIL)

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 is considered to be acceptable in terms of its impact on the amenities of neighbouring residential properties, the visual amenity of the area and highway safety considerations in accordance with Local Development Plan Policies (AW5, AW6, AW10 and NSA13 and Supplementary Planning Guidance: Development of Flats – Conversion and New Build).

RECOMMENDATION: Grant

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

| | |
|-----------|--|
| NY/15/01 | First floor plan rear – as built |
| NY/15/02 | First floor plan front – as built |
| NY/15/04a | First and second floor rear elevation – as built |
| NY/15/05a | Side elevation – as built |
| NY/15/07 | Second floor plan – as built |
| NY/15/08a | Roof plan – as built |
| NY/15/09 | Ground floor plan – as built |
| MH 04/01 | Layouts on a single sheet at 1:50 |
| MH 04/02 | Layouts on a single sheet at 1:50 |

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. The rear dormers of the development hereby approved shall be fitted with obscure glazing to a height of 1.8m from finished floor level, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be installed in accordance with the agreed details and maintained as such in perpetuity.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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| APPLICATION NO: | 15/1629/10 | (BJW) |
| APPLICANT: | Mr R Long | |
| DEVELOPMENT: | Block wall and fence as sound barrier to M4 motorway and filling in of small ponds with inert material. (Amended description, plans and documents received on 13th April 2016) | |
| LOCATION: | OTTERS BROOK TROUT POOLS, IVOR PARK, BRYNSADLER, PONTYCLUN, CF72 9BY | |
| DATE REGISTERED: | 13/04/2016 | |
| ELECTORAL DIVISION: | Pontyclun | |

RECOMMENDATION: Approve

REASONS:

The proposed building works are considered to be justified by the supporting evidence of a reduction in road noise and its effect on the property and appropriate in terms of their size, scale and appearance.

The works to create the wall are largely complete and further use of the existing access road would be limited and would not therefore cause additional significant noise and disturbance to neighbouring properties along Ivor Park and Talygarn Drive.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought, in retrospect, for the retention of a block wall within the garden of the property and the installation of an acoustic fence on top of

the structure to form a sound barrier for Otters Brook, Talygarn Drive, Talygarn, Pontyclun, CF72 9BY.

The proposal is to retain an existing wall to the south of the property which has a maximum height of 1.9m and is 225mm in thickness. The wall would then be topped by a 1.2m high acoustic fence along the 38 metres of the length of the wall. Planting is also proposed along the length of the wall with native species of plants in order to reduce the visual impact of the wall and fence.

Additionally a further 30m of acoustic fencing is also proposed from the end of the block wall to the front of the property. The applicant claims that the purpose of the wall and fencing would be to screen the property from the noise from the M4 Motorway.

The application originally also sought consent to fill in 6 no. shallow breeding pools at the east of the dwelling. However, on further consideration, due to the small amount of material being moved and this originating from existing material on site, it was concluded that this element of the proposal was “de minimis” and therefore of no planning consequence. Therefore, this element of the works that have been undertaken no longer forms part of the application.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS makes the following statements regarding the application:

- The proposed development would retain a wall and propose a fence to alleviate traffic noise and impact on the residence and the front garden area along the critical boundary of the M4 and also removing the line of sight to the carriageway.
- The applicant claims that the noise from the motorway is of unacceptable levels and is having a detrimental effect on the enjoyment of the occupiers of the house.
- There would be no significant disruption to neighbouring properties.

The application site has been the subject of two previous applications for an earth bund to form a sound barrier at the site by virtue of planning applications 14/0582 and 15/0776 respectively.

The previous applications were refused because it was considered that the creation of the bund would generate a large volume of Heavy Goods Traffic that would have a detrimental impact on the amenities of neighbouring properties and highway safety in the area and that the bund would be unduly prominent in the surrounding area and detrimental to the character and appearance of the area.

The works carried out to form the wall were undertaken to alleviate the noise problem at the property. The applicant claimed that he believed that the wall was

permitted development for home owners however, as the wall was not a boundary wall, the works required consent which the applicant has now applied for.

The application is also accompanied by an acoustic report from Hunter Acoustics. This report detailed that a reduction of up to 10dB could be achieved through an acoustic fence on top of the existing wall and a further extension of the wall with additional acoustic timber fencing which would be a very significant reduction.

SITE APPRAISAL

Otters Brook is a large, residential bungalow set within a substantial plot, immediately adjacent to the M4 motorway that is located to the south of the site.

The property is situated on sloping land at a higher level than the M4 Motorway that is approximately 50m from the dwelling and 15m from the boundary of the site. Access to the site is gained via Talygarn Drive and Ivor Park.

PLANNING HISTORY

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| 15/0776 | Otters Brook Lodge, Talygarn, Brynsadler, Pontyclun | Block retaining wall and earth bund as sound barrier to M4 Motorway. | Refused 07/09/15 |
| 14/0582 | As above | Landscape works to provide sound barrier to M4 Motorway | Refused 17/07/14 |
| 12/0715 | As above | Lawful Development Certificate for the continued use of residential dwelling. | Granted 28/08/12 |
| 98/2797 | Otters Brook trout pools, Talygarn Drive, Brynsadler, Pontyclun | Alterations to provide pitched roof over veranda and erection of detached double garage (Amended plans received 28/01/00). | Granted 31/01/00 |

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. 3 responses have been received, from residents of Ivor Park and Talygarn Drive, the main points of which are detailed below:

1. The application is retrospective as the wall is already built.
2. Disappointment that works carried on at site despite residents advising the Council that works were ongoing.
3. Have imported soils and rubble been assessed as suitable for use in the development.

4. Has the agent met with the Welsh Government Transport Division to address their requirements in relation to the adjacent trunk road?
5. Talygarn Road would not be able to take heavy plant as this is in a bad condition already.
6. The disruption caused by heavy plant and traffic.
7. Is the wall the end of the applicant's unauthorised works or are further works proposed to improve the noise reduction at the site?

CONSULTATION

Transportation Section – there are major concerns regarding the impact of slow moving HGV traffic utilising a junction with sub-standard visibility to the right onto the A4222 Cowbridge Road together with the intensification of use of a sub-standard access leading to the site that would create additional hazards to the detriment of safety of all highway users and free flow of traffic. However, as the application is retrospective and the construction is substantially complete with only a further 4-5 deliveries of material required the impact of delivery traffic is considered, on balance, not significant to warrant objection. Therefore, no highway objection is raised or condition suggested.

Public Health and Protection Division – no objection. Concerns have been raised with regard to the filling of the ponds on the site which no longer forms part of the application as it is considered to be “de minimis” and not requiring of planning permission. As part of the previous planning applications for landscaped bunds at the site it was recommended that topsoil that was to be imported be assessed for contaminants in accordance with a scheme to be agreed in writing by the Local Planning Authority.

However, as this no longer forms a part of the consent a condition of this manner would be unreasonable to include. Consequently, the advice is that in the absence of any data / evidence to confirm that the soil was free from contaminants, the Public Health and Protection Department will record the site on the database of potentially contaminated land.

In terms of the noise reduction issue a reduction of 2dB would be considered as marginal there would need to be at least a 3dB drop before it would be considered noticeable.

If the wooden fence is incorporated into the design and the line of sight to the M4 is broken, a 5dB drop would be considered as a noticeable reduction in the noise level would result in an amended figure of approx 63dB. The World Health Organisation criteria suggest that 'Outdoor living areas' (gardens) should be 50dB L_{Aeq} during the day. The noise levels in the garden would therefore remain significantly above the WHO criteria.

Therefore, a 5dB drop would be noticeable, but it is unlikely to help the applicant meet the recommendations of the WHO criteria. If the wall / fence were extended and there was a resulting 10dB drop, this would significantly improve the situation.

Also suggests informative notes regarding the minimisation of noise, dust and waste and regarding potential previous contaminated land uses at the site.

Natural Resources Wales – no objection.

Welsh Government (Transport) – no objection. The wall that has been constructed is a sufficient distance from the running carriageway edge and also has the benefit of a protective screen formed by some large trees. Additionally, the applicant has supplied a plan that confirms that should the wall topple there would be very little risk of debris reaching the road.

Countryside, Landscape and Ecology – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies partially within the settlement boundary of Talygarn, Pontyclun and is unallocated. The eastern part of the site is outside the settlement boundary and within a Special Landscape Area (Policy SSA23.3 – Ely Valley at Miskin, refers).

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

Policy AW2 - supports development in sustainable locations.

Policy AW5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW6 - lists design and place making criteria that will be supported in new development proposals.

Policy SSA23.3 – the eastern part of the site is within a Special Landscape Area (SLA) **SSA23.3** – Ely Valley at Miskin. Development within SLA's is expected to conform with the highest standards of design, siting, layout and materials appropriate to the character of the area.

National Guidance

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 7 (Economic Development).

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The principle of the development, of screening the property from motorway noise is generally acceptable.

The applicant has provided an acoustic assessment that indicates that the noise levels within the garden area of the property are above the levels recommended by the World Health Organisation and through the erection of a wall and fence, he would be able to reduce the noise levels by up to 10dB which would be a noticeable and significant reduction.

The wall and fence represent a significant structure but due to the isolated nature of the property it is considered that the impact, which is addressed fully later in the report, would be, on balance, acceptable.

Consequently, it is considered that the principle of the current proposal is justified and therefore, on the basis of the information provided would be acceptable.

Impact on neighbouring properties

The proposed wall, to which the additional fence would be attached, is contained within the curtilage of Otters Brook and would not therefore have a detrimental effect on neighbouring properties in terms of loss of light, overbearing impact or general loss of amenity.

As the works are partially retrospective in nature, the majority of vehicle movements have already taken place. The resultant work would require another 4-5 journeys of HGV's to site. While the capacity and limitations of the attendant highway are acknowledged it is considered that the limited additional amount of vehicle movements would not have a significant detrimental impact on neighbouring properties to warrant refusal. This specific issue, as it relates to highway safety considerations, will be dealt with later in the report.

Consequently, it is considered that the proposal would not have a detrimental impact on the amenity of neighbouring properties.

Effect on the visual amenity of the area

The existing wall and additional fencing would be wholly contained within the curtilage of the application site and, due to the sloping level of the site, would not be unduly prominent except from short-range views.

While the development represents a significant structure within the garden area of the property it is considered that they would be justified, due to the accompanying acoustic information and are of a suitable size and design. The structures would also eventually become screened by the planting on the site.

It is acknowledged that the site is in countryside and a Special Landscape Area (SLA) and that the requirements for development with an SLA is that it should conform to the highest standards of design, siting, layout and materials appropriate to the character of the area. However, the character and appearance of the site and its surroundings is one of a domestic garden, albeit a large one, and therefore the development is considered to be acceptable in this regard.

Highway safety

The proposal has been subject to consultation with the Council's Transportation Section who has raised no objection to the application.

In coming to this view the Transportation Section considered that there were major concerns regarding the impact of slow moving HGV traffic utilising a junction with sub-standard visibility to the right onto the A4222 Cowbridge Road together with the intensification of use of a sub-standard access leading to the site that would create additional hazards to the detriment of safety of all highway users and free flow of traffic.

However, as the application is retrospective and the construction is substantially complete, with only a further 4-5 deliveries of materials required, the impact of delivery traffic is considered, on balance, not significant to warrant objection on highway safety grounds.

It is therefore considered that the proposed development would be acceptable in terms of highway safety.

Other issues

Impact on the M4 motorway

The development would be within close proximity with the M4 motorway and has been subject to consultation with Welsh Government (Transport). The result of these consultations have been the a site inspection of the works by Welsh Government's agent, SWTRA, and the production of a section drawing by the applicant to Welsh Government (Transport). The Section drawing demonstrates that the wall would not have an impact on the M4. Welsh Government (Transport) is therefore satisfied with the structure and raises no objection in this regard.

Contaminated land issues

The issue of contaminated land has been identified as a concern by the Council's Public Health and Protection Division and a local resident.

In this regard the application has altered from its original form in that the filling in of the spawning ponds with material on site is considered to be "de minimis" and has been removed from the application as it is not considered to require planning permission.

This may still lead to the Public Health and Protection Division adding the site to its list of potentially contaminated land as the applicant has not produced any substantive information that the material is inert waste.

This may cause uncertainty should the applicant try to sell the site in the future however, it is considered that it is not material to the determination of the planning application. It is considered however that the developer, for peace of mind and completeness should be advised to address this issue with the Public Health and Protection Division through representative sampling.

Neighbour responses

The responses received from neighbouring properties are acknowledged and the following comments are offered:

1. As Members are aware the fact that an application is made retrospectively is not a reason to refuse planning permission. The applicant ceased works when advised and has since submitted a planning application to regularise the development.
2. The Council contacted the developer when advised by residents that works were ongoing at site. The developer was then advised to cease works and

regularise the development and this was subsequently progressed through the retrospective application.

3. The applicant claims that imported soils and rubble were on site or from local sources and were inert. The lack of substantive evidence to this effect is unfortunate and could lead to the site being added to a list of potentially contaminated land, however this is a matter which the applicant could resolve independently from the planning application.
4. The agent has met with the Welsh Government Transport Division to address their requirements in relation to the adjacent trunk road and they are content with the works that have been undertaken already and the remaining works that are proposed.
5. Much of the works have been carried out at the site and therefore additional disruption is considered to be minimal with four to five more journeys required to complete the works.
6. The wall will be completed with an acoustic fence in order to achieve further improvements to the noise reduction at the site.

Conclusion

The application has been justified by way of the submission of acoustic information that indicate that the noise levels at the site are above the levels recommended by the World Health Organisation (WHO) and could be significantly reduced by the wall and fencing proposed .

The wall has been substantially completed and the number of further journeys required by HGV's would be limited to a reasonable level (4-5 are quoted). Consequently, it is considered that the proposal would not have a detrimental effect on the amenity of neighbouring properties through an excessive amount of additional heavy traffic.

The scale of the development is considered to be proportionate and acceptable and would lead to a utilitarian feature within the garden of the property that would not be harmful to the character and appearance of the area or the Special Landscape Area.

Consequently, having regard to the above the development is considered to be acceptable.

RECOMMENDATION: Grant

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

The development hereby approved shall be carried out in accordance with the approved plan(s) no(s) Site Location Plan, Drawing No. LP01
Proposed wall as sound barrier, Drawing No. 15/025/1A
Letter from Hunter Acoustics dated 13/04/2016

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. Within 3 months of the date of this consent samples and/or a detailed specification of the acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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| APPLICATION NO: | 17/0132/10 | (HL) |
| APPLICANT: | Mr Demery | |
| DEVELOPMENT: | Existing Church Hall with meeting rooms, class rooms and kitchen to be converted into 9 Residential Flats (amended plans and bat survey received 29/03/17. Additional bat survey received 26/06/17). | |
| LOCATION: | ST MARGERETS CHURCH HALL, WYNDHAM CRESCENT, CARDIFF ROAD, ABERAMAN, ABERDARE | |
| DATE REGISTERED: | 26/06/2017 | |
| ELECTORAL DIVISION: | Aberaman North | |

RECOMMENDATION: Approve.

REASONS:

The proposal would bring a vacant building of some architectural merit back into active and viable use. The use proposed is considered compliant with the policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of its impact on the character and appearance of the area, the residential amenity of those living closest to the site, highway safety and ecology.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

The application seeks full planning permission for the conversion of the former St Margaret's Church Hall, Wyndham Crescent, Aberaman to create nine residential flats.

The plans submitted show the building as subdivided to create three floors with three, two bedroom flats on each floor. The lower ground floor units would be accessed from an existing door in the northern (side) elevation. The ground and first floor flats would be accessed from the existing principal door and hallway on the western (front) elevation. Two existing outbuildings that adjoining the northern and southern side elevations, at lower ground floor level, would be used for refuse and bicycle storage. The works of conversion would largely take place within the fabric of the building with the exception of the following alterations:

- Provision of 20 conservation style rooflights (9 in the northern roof plane and 11 in the southern);
- The provision of two new windows in the eastern (rear) elevation at ground floor level; and
- The reopening of two existing windows in the southern elevation at lower ground floor level.

There is no other land associated with the building. As a result there is no potential to provide any outdoor communal amenity space or any off street parking.

The application is accompanied by the following:

- Bat survey report; and
- Emergence survey report.

SITE APPRAISAL

The application site comprises a large, detached three storey, stone building, formerly used as the St Margaret's Church Hall. As a whole the building measures 12.2m wide, 26.4m deep (including front porch). Due to the topography of the site the building has a two storey front elevation with a maximum height of 10.4m falling to 3.9m and a substantial three storey rear elevation with a maximum height of 13.9m falling to 7.45m positioned on the eastern side of Wyndham Crescent, Aberaman. The building is street fronted and is positioned to the south of the residential properties of Wyndham Crescent and to the north and west of a public wooded amenity area that contains the Aman river and a tarmaced public access footpath.

The application site and surrounding area is positioned on a slope that falls from west to east. As a result the internal ground floor level is roughly level with the highway and residential properties to the west and north and is raised in relation to the river and walkway to the east.

The application site is unallocated and within the settlement boundary of Aberaman North.

PLANNING HISTORY

There is no relevant planning history for the site.

PUBLICITY

The application has been advertised by direct neighbour notification and the erection of site notices. Four letters of objection have been received and are summarised as follows:

Material Consideration:

- Wish to see the building have a purpose again and not become derelict.
- The scheme makes no provision for parking. The road is one of the busiest in Aberdare and is already overcrowded with cars making parking very difficult. A new development of nine flats would make it impossible to park.
- A further 18-20 cars could mean residents having to walk unacceptable distances to reach their homes.
- Cars will need to park on both sides of the road. Extra stationary traffic on both side of the road will make a dangerous, busy and over crowded road even more treacherous.
- Extra vehicles parked on the B4275 Cardiff Road will cause further disruption to the flow of traffic.
- Attendance at St Margaret's Church causes a significant increase in cars parked along the route. It is difficult to see how this will be managed with the extra residential needs.
- Concerns regarding disruption that will be created by the works of conversion.
- Concerns that the waste (sewerage) system will not be able to cope with a further nine properties.
- Privacy. The property spans further back and is much taller than the existing residential properties adjacent to it. The windows would allow for overlooking of neighbouring gardens, creating increased overlooking and loss of privacy.

Non Material:

- Devaluation of existing property values due to lack of parking availability.
- Clarification is requested with regard to who will occupy the flats

CONSULTATION

Highways - no objection.

Land Reclamation and Engineering - no objection.

Dwr Cymru/Welsh Water - conditions recommended with regard to the disposal of foul and surface water from the site.

Ecology - advice provided and conditions recommended

Natural Resources Wales - advice provided and conditions recommended.

South Wales Police - advice provided with regard to designing out crime.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The relevant policies in the Local Development Plan are as follows:

Policy CS1 sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

Policy CS4 defines the housing land requirements.

Policy AW1 defines the housing land supply, to be met partly by development of unallocated land within settlement boundaries.

Policy AW2 promotes development in sustainable locations, which includes site within settlements boundaries, benefiting from existing services and sites that support the roles and functions of Principal Towns and Small Settlements. The locations should not unacceptably conflict with surrounding uses.

Policy AW5 lists amenity and accessibility criteria that will be supported in new development proposals, giving particular attentions to neighbouring land uses and occupiers. Existing site features of natural environmental value should be retained where appropriate.

Policy AW6 outlines design and placemaking criteria that will be supported in new development proposals

Policy AW8 specifies that the Authority's natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy NSA12 gives further criteria for suitable housing development within and adjacent to settlement boundaries.

Policy NSA13 gives criteria for the conversion of buildings for residential purposes within the Northern Strategy Area.

The following SPG's are also relevant to this proposal:

- Design and Placemaking;
- Delivering Design and Placemaking - Access Circulation and Parking Requirements;
- Planning Obligations and
- Development of Flats - Conversions and New Build
- 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 9, November 2016), Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability) 8 (Transport) and 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;

PLANNING CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of Development

As detailed above, the application proposes the conversion of the former St Margaret's Church Hall to create nine, two bedroom flats. The building is currently vacant and is located within the settlement development limits of Aberaman North. The property is located approximately 600 metres from the shops in Aberaman and 100m from the closest bus stop. In light of the above, the site is considered to be sustainably located and as such the principle of residential development is acceptable.

The key considerations with regards to the application have been determined as the impact on the proposal on the character and appearance on the area; the residential amenity of those living closest to the site; highway safety and impact on the ecology of the area.

Character and Appearance

As specified above, the application proposes the conversion of a vacant building to provide nine, two bedroom units, over three floors of the building - lower ground floor, ground floor and first floor level. Whilst the plans indicate the reopening of original windows; provision of two new windows in the eastern (rear) elevation and the provision 20 conservation style roof lights, the works of conversion would largely take place within the fabric of existing building with no extensions proposed and would utilise materials in keeping with the existing building. It is considered that the design and external finish of the proposal in association with the density of development would not have a significantly detrimental impact on the overall character and appearance of the area. In contrast, it is considered that the active reuse of such a visually prominent building could have a beneficial impact on the character and appearance of the area and the street scene at this end of the B4275. As such the application is considered compliant with the requirements of policies AW5, AW6 and NSA13 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

As specified above the application site is positioned to the south of the residential properties in Wyndham Crescent. The northern (side) elevation of the building is substantial in height and scale and contains 14 existing windows (6 at lower ground level and 8 at ground floor level) which currently overlook the rear gardens of the properties in Wyndham Crescent. The plans submitted indicate that these windows would serve the following rooms:

Lower ground floor -

Flat 4

Six windows serving - kitchen (two); living room (one); bathroom (one); bedrooms (two, one per room).

One communal hallway window.

Ground floor -

Flat one

seven windows serving -kitchen (two); Living room (one); bathroom (one); Bedroom 1 (two); bedroom 2 (one).

Flat two

one - living room window

First floor level -

Flat seven

Seven rooflights serving - living room (two); bathroom (one); Bedrooms (four - two per room);

Flat nine

Two rooflights serving the living room

Although the window openings are existing, use of the premise for residential purposes could generate a level of overlooking or loss of privacy to the rear elevations and gardens of the properties in Wyndham Crescent not previously or currently experienced. Section plans through the building indicate that the internal sill level of the windows at lower ground floor level would be set at 1.55m above internal floor level. As such, it is considered that whilst the windows would provide light into the properties, the outlook would be limited. However, increasing the northern boundary of the site to 2m in height would further limit the outlook from the windows and prevent users of the access next to the building from overlooking the neighbouring properties gardens, helping to protect privacy and amenity. The provision of a 2m high boundary could be sought by condition.

The section details for the ground floor level windows, indicate that the internal window sills would be positioned 1.35m above floor level. This could obviously have a greater impact with regards to overlooking and infringement of privacy. The windows as existing contain three vertical panes. As such it would be possible to provide obscure glazing in the lower pane of the window to limit the outlook from the windows, thereby protecting neighbouring amenity but still allowing sufficient light into the properties. The provision and retention of obscure glazing could be sought by condition.

Flats seven, and nine would have nine rooflights in the northern roof plane. However, the main areas of habitable accommodation for the first floor properties would be served by the existing, large semi circular windows in the western and eastern (front and rear) gables. Whilst the rooflight openings would allow for some overlooking of the adjacent properties, it is considered that their oblique positioning 1.4m above the internal floor level and the presence of the existing large windows in the front and rear gables, would help prevent the rooflights from generating a level of overlooking or infringement of privacy so significant to warrant refusal of the application on such grounds.

In terms of the occupiers of the units, it is acknowledged there is no external space associated with the building which could be used for amenity purposes. The plans submitted indicate that two existing outbuildings, that adjoin the northern and southern elevations of the building, could be used as a refuse storage area allowing bins to be stored off the pavement. Although the lack of amenity space is contrary to the requirements of the Council's Supplementary Planning Guidance for flat

development, on balance being mindful of the position of the building relative to the wooded area and public access path to the south and east of the site, the beneficial reuse of the building is considered to outweigh concerns with regards to the lack of private amenity space for residents.

In light of the above and subject to the imposition of appropriately worded conditions with regard to the provision of a 2m high boundary and obscure glazing, the application is considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

Following consultation, The Authority's Transportation Section have provided the following response:

"The proposed is served off Cardiff Road B4275 which is a classified route and a bus route. Cardiff Road carries a substantial amount of vehicular traffic linking to the A4059 which is a principle route.

Cardiff Road is acceptable for safe vehicular and pedestrian movement with 7.6m carriageway, no parking restrictions within the vicinity of the site and continuous 1.6m footways.

There is considerable amount of on-street car parking along Cardiff Road B4275 due to the nature of terraced dwellings with limited or no off-street car parking facilities. However, to the north of the proposed there are no frontal developments which in turn reduces the on-street car parking demand as residents seek to park as close to their property as possible.

Parking

The existing church hall requires up-to a maximum of 51^{no} off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011 with none provided. It is acknowledged that a number of trips would be undertaken on foot due to the church hall being a community facility or public transport reducing the on-street car parking demand.

The proposed change of use into 9 x 2 bed residential flats requires up-to a maximum of 18^{no} off-street car parking spaces for residents and 2 visitor spaces (20 in total) in accordance with the SPG Flats June 2015 with none provided.

There is concern that there is no potential to provide off-street car parking within the curtilage with the building taking the whole plot leading to on-street car parking on a classified route to the detriment of safety of all highway users and impacting on the free flow of traffic.

The proposal brings a redundant building back into use. Car ownership levels are in general less for flats than residential dwellings and taking into account the proposed is located on a bus route with a lesser off-street car parking demand than its existing use (31 spaces) on-balance the proposal is acceptable. "

The lack of parking associated with the development is a significant concern for local residents who have raised objections with regard to such matters, identifying that on street parking in the immediate area is already under considerable pressure. However, being mindful of the parking demand that would have been generated by the extant use and that which could be generated by the use of the building within its permitted development right allowance (for example: clinic, play centre, school etc) relative to the proposal; the reduced level of car ownership associated with the accommodation proposed; the lack of opportunity to provide any off street parking; the proximity of the site to bus routes and the proposed provision of on site cycle parking, it is considered that the development would not generate an increased level of highway safety concerns so significant to warrant refusal of the application. The proposal is therefore considered as compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Plan.

Other Considerations

Ecology

As specified above, the application proposes the subdivision of the building to create three floors. The building currently has a lower ground floor level, ground floor level and a large attic space defined by a suspended ceiling. Two bat surveys have been provided in support of the application, the first being an internal inspection and the second an emergence survey. The reports provide the following information:

There are access points into the building through damaged a ridge tile, soffit boards and directly into the cellar. An emergence survey of the building identified a peak count of twenty Soprano pipistrelle bats (*Pipistrellus pygmaeus*) exiting and entering the building. The bats emerged from a gap between the wall and the soffit box near the apex of the eastern side of the building. A maternity roost containing a moderate number of common species will be lost. Based on the site level impact classification from the "Bat Mitigation Guidelines" the scale of the impact at the site level is considered to be moderate given the size, status and use of the roost. The renovation and conversion of the building will require an EPS licence as it will result in the permanent loss of an identified roof. The applicant has confirmed that all works will be undertaken under a watching brief and will provide mitigation to ensure no adverse effect will take place on the conservation status of the species. Details of the mitigation and compensation can be sought by condition.

Following consultation Natural Resources Wales have provided the following response:

"We welcome the recommendations made in section 6.6 of the bat report, which make future provision for bats. In this instance, we do not consider it likely that the proposed development will result in a detriment to the maintenance of Favourable Conservation Status of the bat species present, providing that suitably worded conditions addressing the following are added to any permission your authority may be minded to grant:

- 1. The scheme is implemented in accordance with the mitigation measures in section '6.6. Construction of an artificial roost, mitigation/compensation' of the bat report; and*
- 2. Inclusion of a planning condition on any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead."*

In light of the reports submitted, the consultation responses received and the mitigation proposed which could be secured by condition, the application is considered compliant with the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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 site of the proposed dwellings 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

Based on the above, it is considered that subject to conditions, the development proposed would not have a significantly detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site, highway safety or ecological value of the area. The application is therefore considered compliant with the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and recommended for approval subject to conditions:

RECOMMENDATION: Grant

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

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

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

- Site location plan;
- 13/2017/PL/0011;
- 13/2017/PL/014;
- 13/2017/PL0010;
- 13/2017/PL/012;
- 13/2017/PL/008;
- 13/2017/PL/009;
- 13/2017/PL/007A; and

Bat survey documents received by the Local Planning Authority on 23/03/17 and 26/06/17 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

4. Notwithstanding the details of the approved plans, the lower pane of the ground floor windows in the northern elevation shall be fitted with obscure glazing. Details of the glazing to be used shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first beneficial occupation of units 1, 2, 7, 9 in accordance with these details. The glazing shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the neighbouring amenity of those living closest to the site in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a copy of the licence ,issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified development to go ahead, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the mitigation measures specified in Section 6.6 of the Bat Survey Report dated 25th June 2017.

Reason: In the interests of protecting and enhancing the ecological value of the site and wider area, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The northern boundary shall be increased to 2m in height. The boundary

treatment shall be completed before the before the building is occupied. The development shall be carried out in accordance with the approved details.

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

7. Building operations shall not be commenced until samples of the windows proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

8. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

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| APPLICATION NO: | 17/0321/10 (EL) |
| APPLICANT: | Sirius Renewable Energy |
| DEVELOPMENT: | The erection, 25 year operation and subsequent decommissioning of a wind turbine with a maximum overall tip height of 121.5m, 20m micro-siting, new and upgraded access tracks, hard standing areas, control building/substation, transformer housing and cabling. |
| LOCATION: | LAND ADJ. TO FORMER NANT-Y-GWYDDON LANDFILL SITE |
| DATE REGISTERED: | 17/03/2017 |
| ELECTORAL DIVISION: | Llwynypia |

RECOMMENDATION: Approve

REASONS:

The principle of the development is considered acceptable, being, in policy terms, a small scale single turbine wind development that would make a useful contribution to the Welsh Government's commitment to optimising renewable energy generation. Furthermore, it is considered that the proposed development can reasonably be accommodated within the landscape without significant harm to the existing landscape character of the area and visual amenity. In addition, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three or more letters of objection have been received;
- 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 for a wind energy development comprising the erection, 25-year operation and subsequent decommissioning of a single wind turbine with a maximum overall tip height of 121.5m, together with a 20m radius micro-siting allowance, associated infrastructure including turbine transformer, hard-standing areas, a control building and cabling. During construction a temporary compound will also be required to house a site office and welfare facilities.

The site is located within the land ownership associated with the Nant-y-Gwyddon Landfill site, although not within an area which has been historically landfilled. The site is located within an area previously excavated in preparation of engineering works for landfilling operations. However, this area of the site was never landfilled and the Nant-y-Gwyddon landfill ceased operations in 2002.

The turbine itself would consist of a tubular steel tower supporting three blades with an overall maximum height to blade tip of 121.5m. It would measure 85m to hub with a blade radius of 36.5m. The turbine would be light grey (RAL 7035). The installed capacity of the project could potentially be around 1.5MW depending on the final wind turbine selected.

Associated infrastructure includes: an external transformer building; a control building to mediate the flow of power generated into the local electricity distribution network; underground cables to connect the turbine to the control building; and crane pad and hard standing areas to facilitate the construction of the turbine. The total land take for the proposed development (including the access tracks) measures approximately 0.2ha, a small proportion of the former landfill site boundary.

It is proposed that access to the site is gained via a series of existing internal access roads and tracks which connect with Nant y Gwyddon Road B4223 to the north. Within the site, it will be necessary to create a new track for the final section of the section, this will extend to 145m in length.

The Planning Statement refers to the importance of renewable energy generation as part of the response to climate change and refers to wind generation as a viable form of substantive renewable energy production for the short to medium-term. The statement comments that with an assumed rating of 1.5MW, the output from the turbine could generate enough electricity to power approximately 851 homes, working directly towards the Welsh Governments regional and national targets for the supply of energy from sustainable energy sources. The electricity generated by the turbine would be exported to the local distribution network and sold to a licensed electricity supplier.

The construction period is likely to occur over a 4 month period. Delivery of some of the components would constitute abnormal loads. Once the turbine is operational it is envisaged that the amount of traffic associated with the scheme would be minimal, with occasional visits for maintenance checks.

The application is accompanied by a number of documents including a design and access statement, a planning statement, a Landscape and Visual Impact Assessment (LVIA), an environmental report, which includes amongst other things; a series of ecological assessments, a noise report and a shadow/light flicker analysis and Traffic and Transport Report.

SITE APPRAISAL

The application site consists of a small parcel of land situated within the landholding of the former Nant-y-Gwyddon landfill site, located approximately 1km south of the main settlement of Gelli. Whilst the site is located within the former Nant-y-Gwyddon Landfill site, the turbine would not be sited within an area which has been historically landfilled. The site is located within an area previously excavated in preparation of engineering works for landfilling operations. However, this area of the site was never landfilled and the Nant-y-Gwyddon landfill ceased operations in 2002.

As noted above, the urban areas of Gelli and Clydach Vale lie approximately 1km to the north and approximately 880m to the south of the site respectively. The closest residential receptors are Oak Street located approximately 540m to the south and Rock Drive Farm which is located approximately 760m north west of the proposed

turbine location. Beyond the extent of the former landfill site are areas of open countryside, with Bwlfa Farm being situated to the west of the site, a turbine of 77 metres in height has been erected on this holding. The urban area of Llwynypia lies approximately 1.7km east of the site.

The site is accessed via a long access track which connects to the B4223 Nantygwyddon Road. The proposed development will utilise the existing landfill access point off Nant-y-Gwyddon Road, however within the site it is proposed that a new section of access track be constructed to allow access directly to the location of the turbine. The wider site is crossed by a Public Right of Way YST/18/2.

Whilst not strategic scale development, it is noted that the proposal lies outside the TAN 8 Annex D Strategic Search Area [SSA] F.

PLANNING HISTORY

Much of the planning history of this site relates to the operation of the former landfill site. This is set out below.

| | | |
|---------|---|---------------------|
| 05/1011 | Variation of Condition No. 3 of 04/2394 to vary the operational hours at Nant-Y-Gwyddon Landfill site. | Granted 22/07/05 |
| 05/1007 | Variation of Condition No. 3 of 04/2395 to vary the operational hours of extraction operations at Upper Gelli Tip, Gelli. | Granted 16/09/05 |
| 04/2394 | Revisions to approved restoration landform | Granted 01/04/03 |
| 00/2647 | Replacement 315mm diameter leachate pipe | Granted 02/02/01 |
| 00/6602 | Revisions to approved restoration landform | Not determined |
| 96/6334 | Landfill gas extraction pipe | Granted 18/03/97 |
| 86/285 | Garage, workshop, stores, weighbridge and offices and electricity generating plant | Granted 17/11/86 |
| 84/978 | Leachate pipe to main sewer | Granted 11/03/85 |
| 83/784 | Waste disposal landfill site | Granted 05/09/83 |

PUBLICITY

The application has been advertised by means of site notices and press notice. 3 letters of objection have been received which are summarised as follows:

- Concerns about development being undertaken on the former landfill site, most notably the impacts resulting from any excavation works on the site.
- The site is subject to many dangerous gasses and these have caused serious health risks to residents.
- Concern that if one turbine is permitted then many more will follow.
- Concerns about the visual impacts of the development and the negative impact on the landscape and setting of the Rhondda Valleys.
- One resident comments that they can already hear other turbines operating and is concerned about noise impacts.
- The proposal could result in footpath diversions.
- The proposals do not take account of the cost of fossil fuels needed to back up this system.
- No jobs are generated in the area as a result of development of this kind.
- Wind power is not an efficient form of energy production as turbines cannot operate below certain wind speeds, so only function approximately a third of the time.
- They have a high primary build cost and last only 25 years.

All of these concerns are considered and addressed in the assessment of the application proposal later in this report.

CONSULTATION

Transportation Section - no objections raised, conditions suggested.

Land Reclamation and Drainage – no objections, condition requiring the submission of a drainage strategy recommended.

Dwr Cymru/Welsh Water – no objections raised.

Public Health & Protection – no objections raised, conditions recommended.

Public Rights of Way Officer – no objections raised, informative note suggested.

Council's Ecologist – considers that the ecological survey/assessment work is adequate, raises no objections. Condition requiring the submission of a Species and Habitat Protection and Mitigation Plan for construction recommended.

Natural Resources Wales – no objections raised, conditions recommended.

Glamorgan Gwent Archaeological Trust – no objections raised. The Historic Environment Record shows no surviving archaeological features within the area of the proposed development.

Cardiff Airport – no objections raised.

Defence Infrastructure Organisation– no objections raised.

Brecon Beacons National Park – no objections raised. Brecon Beacons National Park agree with the findings of the LVIA that has shown that there is very limited inter visibility which is restricted to the blade tip only. The LVIA has concluded that due to this restricted inter visibility and separation distance of the proposed wind turbine a neutral level of landscape effect i.e. 'not substantial effect' on the setting of the setting of the National Park would arise.

Cadw – no objections raised, their response confirms that there would not be any significant damage to the setting of the scheduled ancient monuments (within the 5km ZTV).

Coal Authority – no objections raised, informative note recommended.

Wales & West Utilities – no objections raised

Bridgend CBC – no objections raised.

Neath Port Talbot CBC – no objections raised.

Merthyr Tydfil CBC – no response received.

British Telecom– no response received.

The Ramblers Association – no response received.

Caerphilly CBC – no response received.

Joint Radio Company – no response received.

O2 – no response received.

T-Mobile – no response received.

Cable & Wireless – no response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The site is located outside of settlement limits, within a sandstone resources area.

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

Policy CS10 defines safeguarding areas for mineral resources.

Policy AW5 supports development proposals where amenity and accessibility matters are addressed.

Policy AW6 supports development proposals where certain design and place making criteria are met.

Policy AW10 does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of a number of matters including light and noise pollution.

Policy AW12 permits renewable energy schemes including small/medium sized wind turbines where there is no unacceptable effect upon the interests of certain matters including agriculture, nature conservation, cultural heritage, landscape importance, public health and residential amenity. Minimisation of resource use should also be included. For this policy small clusters of no more than 3 larger wind turbines up to 1.5 MW and community based schemes of no more than 5MW capacity are treated as small wind turbine developments.

Policy AW14 safeguards the resources of sandstone from any development which would unnecessarily sterilise or hinder their extraction.

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 Chapter 3 (Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), and Chapter 12 (Infrastructure and Services) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 8: Renewable Energy: The site is located outside of TAN 8 Strategic Search Area F.

PPW Technical Advice Note 11: Noise; This provides advice on the assessment and management of noise impacts for different types of proposals. It refers to advice in TAN 8 regarding the assessment of noise impacts of wind turbines.

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

At UK and Welsh Government level there is strong support for renewable and low carbon energy, with specific targets set for the reduction in green house gases and energy generation from on-shore wind development. The exploitation of wind power is promoted at all policy levels.

The application involves a wind turbine of 1.5MW and is therefore classed as a small scale wind development in policy terms, being a “sub local authority” scale of development, at under 5MW, within PPW.

Neither PPW nor TAN 8 require development of this scale to be sited within the boundary of SSA F. Para 12.9.9 of PPW advises that such “sub-local authority” scale renewable energy projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated.” Paragraph 12.10 of PPW sets out the key matters to be taken into account in determining applications for renewable and low carbon energy development.

Whilst TAN 8 states in Para 2.2 that “large scale (over 25MW) onshore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSA)”, guidance is also provided for the development of smaller wind developments outside of these areas. In particular paragraph 2.12 states that “The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW).” However, TAN 8 also identifies the need for authorities to consider the cumulative impact of small schemes in areas outside of the SSAs and the need to strike a balance between “the desirability of renewable energy and landscape protection” (2.13).

From a planning policy perspective there is some concern that the site lies outside of SSA F, where the wider area has many greenfield characteristics and it is acknowledged that the wider landscape setting is broadly rural. However it is considered that the site itself may be defined as brownfield, as it clearly makes up a part of the former Nant y Gwyddon Landfill site. The supporting statements clarify that the parcel of land upon which the turbine would be sited was prepared for landfilling, although the site ceased operations before the area was actually used for that purpose. Nevertheless, it is clear that the application site forms part of the wider (former) landfill site and was in use for that purpose. Furthermore, much of the physical infrastructure associated with the former use, including access roads and

service buildings are still evident; as such it is considered reasonable that the site be regarded as brownfield. This is of particular relevance as PPW states that Authorities should encourage renewable energy schemes on urban/ industrial, brownfield sites, up to 25MW; as the current scheme sits far below this figure (at 1.5MW) it is considered that the proposal accords with this aspect of planning policy.

It is concluded that this is a smaller wind power scheme and there is national and local planning policy support for the principle of this proposal, subject to the assessment of a criteria, which includes; the contribution a proposal will play in meeting identified targets and potential for renewable energy; the impact on the landscape, natural heritage and the Historic Environment; the need to minimise impacts on local communities; and effects on the transportation network.

Impact on the landscape character of the area and the impact on visual amenity.

Policy AW12 of the LDP, which deals with renewable energy development, states that small scale wind turbines will be permitted where it can be demonstrated that there would be no unacceptable effect on, amongst other matters, landscape importance.

In order to assist in this aspect of the scheme, the application is accompanied by a Landscape and Visual Impact Assessment (LVIA) for the proposed turbine. In this case, the Zone of Theoretical Visibility (ZTV) study area for the appraisals extends to a 15km radius, it is accepted that receptors located over 15km away from a single turbine will not experience significant effects.

The LVIA includes; a landscape assessment, which assesses the landscape character within a 15km radius. A visual assessment; within which emphasis has been placed upon assessing visual effects upon groups of potential receptors considered to have the greatest potential to sustain higher magnitudes of visual change (for this purpose a 5km radius focus study was undertaken). A cumulative assessment, this study area takes account of the wind farms and wind turbines (over 50m tip height) within 7.5km. And a residential amenity study, this looked the potential impacts to properties within a 1km radius. Each property was assessed on site and via the review of aerial photography, so that the orientation of windows and gardens towards the wind turbine, and the degree of screening from intervening buildings and vegetation could be taken into account in forming a judgement as to whether the visual amenity will be affected to the degree that *“the property concerned would come to be regarded as an unattractive and thus unsatisfactory (but not uninhabitable) place in which to live.”* (Lavender Test, quotation taken from the Poplar Lane wind farm appeal decision).

The LVIA also includes a ‘viewpoint assessment’, eight viewpoints have been selected on the basis that they provide views to (or illustrate the limited visibility) of the proposed turbine from sensitive receptors (residential, recreational and PROW) and representative locations within the study area. The viewpoints selected are

considered to represent a selection of the locations with visibility to the turbine whilst being representative of the varying image of the wind turbine within the local landscape.

Having reviewed the LVIA the Council's Landscape Architect has confirmed that the report is a thorough assessment taking into account all of the various issues associated with landscape and visual assessments. It is also noted that the Landmap aspects have also been assessed which is positive.

A summary of the conclusions of each of the sections of the LVIA are set out as follows:

Landscape assessment effects

In terms of the application site itself, it is considered that there would be minimal direct effects upon the fabric and character of the site during the construction phase of the application. This phase will be of short duration, utilising existing previously disturbed areas for the site compound and access tracks. All direct effects upon the landscape fabric of the site during this phase are limited in extent and fully reversible on decommissioning of the turbine.

The site, a closed landfill area upon an elevated moorland plateau, and its immediate surroundings (<500m) is not subject to any national, regional or local landscape designations and contains few characteristic elements (cited in the Landmap Aspect Area layers, notably Visual and Sensory.) There is no public access to the site as a whole and therefore it is unlikely to be valued locally as a recreational resource. The former landfill site in itself does not offer any scenic interest; it is an individual brownfield unit which is in a state of natural regeneration. The value of the landscape at the site level and the surrounding areas is therefore considered to be "Low".

The assessment considered landscape effects, arising due to the proposed development, with reference to the following criteria: size and scale of effect; geographical extent; duration; and, reversibility. The type of effect was considered at 3 levels:

- The potential operational effects upon the landscape fabric within the site (and local area) (direct effect);
- The potential operational effects on the host landscape character area / Landmap Aspect Area, (direct effect), including the consideration of any effects within designated areas; and,
- The potential operational effects on the wider landscape character areas / Landmap Aspect Areas within the study area (indirect effects), including consideration of any effects within designated areas.

At the site and local level, the magnitude of change arising from the proposed turbine is considered to be "Medium". The assessment finds that the turbine would result in *"a moderate alteration to landscape characteristics, introducing an element that may*

be prominent but not necessarily uncharacteristic with the attributes of the receiving landscape". This is particularly the case due to the presence of a number of other existing turbines within the local area, the closest of which is on Bwllfa Farm. It is worth noting that the Bwllfa Farm turbine was allowed on appeal in December 2014. In assessing this scheme, the Inspector concluded that the landscape in this area is characterised by several wind farms that are visible from various locations, especially at higher elevations. They concluded that a single turbine would not impact on this landscape character to a significant degree, either on its own or in combination with existing and proposed turbines.

The level of effect upon the site and local area was therefore considered to result in a Moderate-Minor level of landscape effect overall, a 'Not Substantial' effect; the proposed turbine would cause a noticeable landscape effect within the local context, affecting a landscape unit considered to be of a "Medium/Low" value with an indistinctive sense of place, influenced by the historic land uses.

The assessment concludes that there would be no 'substantial' direct or indirect landscape effects upon any of the scoped Aspect Areas within the study area, which included the Visual and Sensory Aspect Areas within the focused study area and the other five host Aspect Area Layers.

All relevant landscape designations/designated area within the study area were considered including: locally designated landscapes; Registered Parks and Gardens; and, Country Parks. Given the separation distances, existing screening and inter visibility it was concluded that there would be 'No Substantial' landscape effects upon the setting of these areas. In order to aid in the assessment of this aspect of the scheme consultation was undertaken with Cadw, their assessment concludes by agreeing with the findings of the LVIA and raises no objections to the scheme.

Visual assessment and amenity effects

This aspect of the assessment considered the potential impacts upon the residential visual amenity for all properties/groups within 1km and all main settlements within 5km of the turbine. The assessment concluded that none of the groups of properties within 1km would experience 'Substantial' visual effects. Whilst the areas are shown to have extensive theoretical visibility by the ZTV, in reality visibility is restricted due to the properties locations, tight upon the steep valley slopes, with main views aligned away from the turbine into the lower valley areas. As such, from the properties that are physically closest to the site, views of the turbine would be generally screened by near built features and vegetation upon the intervening slopes.

Only two main settlements within 5km were considered to experience visual effects of a 'Substantial' nature; these being Gelli and Ystrad. Due to the local topography, the position of the settlements upon the valley floor and slopes in relation to the position of the turbine, views of the site (and proposed turbine) would be more extensive from areas further away from the site. However, from such distances the

turbine would appear to be of a smaller scale and would be seen within a wider panorama, subject to more intervening visual barriers. It is noted however that a cautious approach is taken in the assessment scores (within the LVA) and overall, it is concluded the vast majority of properties in these settlements would experience no visibility to the turbine, and as such overall 'Not Substantial' visual effects.

The assessment found that the remaining settlements within 5km of the turbine would experience limited visibility to the proposed turbine, which is 'Not Substantial' in nature. In addition to this no 'Substantial' visual effects are concluded for any of the recreational routes and transportation corridors within the 5km study area; views are generally screened by the dense urban areas which they pass through, and when visible, are limited to glimpsed short duration views.

In order to assist in the assessment of the visual effects of the proposal, 8 photomontages, taken from key viewpoints are provided as part of the LVA. These are taken from viewpoints which were expected to illustrate the greatest levels of theoretical visibility to the proposed turbine, from within the local landscape. The photomontages demonstrate the actual limited visibility (and scale of effects) of the turbine to the main areas of population and recreational areas within the localised study area. Only one viewpoint (Viewpoint 1 – which is taken from the public bridleway to the west of the site) was considered to experience visual effects of a 'Substantial' nature. However, considering that this is the closest publicly accessible location to the turbine then this would be expected. The conclusion that this effect is 'Substantial' should not be taken to imply that the turbine causes unacceptable visual effects. It should be qualified with respect to the scale over which it is experienced and the number of receptors, which is limited in this instance.

Cumulative assessment effects

Cumulative visual effects may be described as *“effects that can be caused by combined visibility, which occurs where the observer is able to see two or more developments from one viewpoint, and/or sequential effects which occur when the observer has to move to another viewpoint to see different developments”*.

In this case, cumulative visual effects consider the addition of the proposed Nant-y-Gwyddon turbine in combination with the permitted (not constructed) and in planning schemes. Operational turbines and those schemes under construction would be visible within the existing baseline and as such were considered in the visual assessment referred to in the preceding section of the report.

Opportunities exist for potential cumulative views, where more than one wind farm / turbine, including the proposed development, may be seen either simultaneously or sequentially. The assessment established that Abergorki turbine is the closest permitted/pending scheme located ~5.2km to the north. The setting of the application site is already influenced by operational turbines within the wider area although none are considered to be at a local area (within ~500m). The cumulative ZTVs (Figure 6.12g and 6.12h) confirm that at a site level there would only be the potential for

cumulative visibility to the two consented schemes to the north, Abergorki turbine (~5.2km) and Maerdy wind farm Extension (~6km) and given the separation distance it was concluded that this would lead to a Neutral and 'Not Substantial' level of cumulative landscape effect.

The cumulative assessment of the scoped LANDMAP Aspect Area layers has demonstrated that the addition of the Nant-y-Gwyddon turbine would have minimal cumulative landscape effects upon the specific landscape characteristics of the aspect areas over and above the effects already established in the baseline and effects sections. Therefore, the cumulative landscape effects are all considered to be of a 'Not Substantial' nature. The assessment also concluded that there would be no additional cumulative landscape effects upon the considered landscape receptors (National Park and Country Parks).

Overall the cumulative visual assessment concluded that no residential receptors would experience cumulative visual effects of a 'Substantial' nature. Views from the residential areas are generally localised and channelled by the topography of the region which limits wide scale open visibility beyond the local landscape to the cumulative schemes dispersed within the wider upland areas. This is further evidenced by the cumulative wireframes and photomontages. Despite the viewpoint locations being locally prominent, some with views to existing operational schemes, the actual visibility to the permitted/pending cumulative schemes are very limited, with 'No Substantial' cumulative effects concluded.

Landscape and Visual impact conclusions

Having assessed the documents, it is considered that the complete LVIA, which accompanies the application, provide sufficient information and an adequate assessment upon which to base a decision on the acceptability of the proposed wind turbine.

The assessment confirms that the site is not located within any national or local landscape designations and the LVIA has not concluded any substantial effects on landscape character. The site is located approximately 1.5km from a TAN 8 Strategic Search Area for large scale wind development; these boundaries are not strictly drawn and are considered indicative to provide guidance to local authorities. Furthermore, TAN 8 does highlight that further wind development outside of these areas may be acceptable, subject to addressing any environmental concerns which may arise.

The Landscape and Visual assessment has considered the proposed turbine scheme in relation to the guidelines set out in the Heads of the Valleys Landscape Sensitivity and Capacity Document (2015). This document suggested that the capacity for further wind development in this locality was limited and careful consideration would need to be given to cumulative effects. The Environmental report considers each of the guideline principles, from the capacity document, in relation to the specific proposed Nant-y-Gwyddon turbine and highlights that, in this

instance, the proposed development would be in accordance with these principles. Furthermore, no substantial cumulative effects are predicted as a result of the proposed development.

In summary, whilst it is acknowledged that there would be some significant adverse effects from the proposed turbine, the majority are at the lower end of the significance scale. As stated above, the turbine would be contained within the extent of the former landfill site, a brownfield site, and would be read partially in the context of other wind energy developments. Whilst the adverse visual effects to residents, in terms of the views of the development from distance, in locations such as Ystrad and Pentre are undesirable, the majority of residents, particularly those closest to the site, would be screened from views towards the turbine by the existing landform. Overall, the potential adverse effects need to be balanced against the benefits of clean energy, and in this case, on balance, it is considered that the benefits outweigh the effects and the proposal complies with the provisions of Policies AW6 and AW12 of the LDP and Para 12.10.1 of Planning Policy Wales.

OTHER ISSUES

The following other material considerations have been taken into account in considering the application:

Residential amenity - Noise Impact and Shadow Light Flicker

The impacts on adjacent residential uses as a result of noise and visual disturbance due to shadow flicker/reflected light also need to be considered. The application is accompanied by a noise report which has assessed the potential noise impact of the proposed turbine. The assessment establishes the existing baseline and then assesses the magnitude and significance of impacts resulting from the proposed development upon these baseline conditions, including cumulative impact. The assessment has been carried out according to the recommendations of ETSU-R-97, 'The Assessment and Rating of Noise from Wind Farms'.

The report identifies the predicted turbine noise levels, of the proposed 1.5MW wind turbine, at dwellings neighbouring the proposed turbine, and compares these levels with noise limits set out in the above-mentioned document (ETSU-R-97). The assessment concludes that all receptors would not experience daytime or night-time noise levels over the ETSU-R-97 limits as a result of the turbine operation. Noise levels from the turbine were within the limits set by ETSU-R-97 and 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' published by the Institute of Acoustics. Overall, no significant impacts were concluded in relation to noise, as a result of the operation of the proposed development. The findings of this report were re-enforced by the observations of the Council's Public Health & Protection Section, who raise no objection to the application. It is noted however, that they do recommend a condition which would limit the noise of the turbine to LA90,10min of 35 dB(A) up to wind speeds of 10 m/s at 10 m height.

Shadow flicker occurs when a particular combination of conditions coincide in specific locations at particular times of the day and year. It happens when the sun is low in the sky and shines on the window(s) of a building from behind a wind turbine rotor. If the turbine is rotating, this can cause the shadow to appear to flick on and off as the turbine rotates. When the moving shadow is experienced in this way through a window, it is known as shadow flicker. The flickering caused by shadow flicker may have a negative effect on the amenity of affected residents.

The potential for Shadow Light Flicker has also been assessed as part of the Environmental report that accompanies the planning application. It is generally accepted that only properties within 130 degrees either side of north in the UK would be affected at the proposed latitude of the site, and that shadow flicker assessment should be carried out if there are any residential properties within 10 rotor diameter distance of the proposed wind turbine. The assessment therefore identifies whether shadow flicker is likely to occur at any neighbouring properties within 10 rotor diameters of the wind turbines and, if so, to predict approximate times of day and year, and duration of these effects.

The report states that worst-case scenario modelling results indicate a theoretical potential for a number of properties in Gelli, to experience shadow flicker as a result of the operation of the proposed wind turbine. Certain properties within this residential area were selected for modelling, the results of this assessment illustrate that there is the theoretical potential for shadow flicker effects to be experienced at some properties, however, given the limited predicted occurrence, this is considered not to be significant. The report also notes that shadow flicker events would occur for considerably less time than predicted in the assessment. For much of the year weather conditions will be such that shadows would not be cast, or would be weak and therefore would not result in shadow flicker effects. Information provided by the Met Office indicates that in the UK, sunshine typically occurs for approximately 30% of daylight hours per annum. Of this time, some would be in non-windy conditions when the turbine blades would not be rotating, and some would be when the wind direction was not aligned with the sunshine direction, so shadows would not be cast as in the worst-case scenario. This means that the computer model calculation overestimates the duration of potential shadow occurrence.

Therefore, whilst it is accepted that some residential properties may experience some limited incidence of shadow flicker, it is not considered that any significant impacts would result. The worst case scenario indicates that at the location most likely to be affected, the maximum number of hours over the course of a year, where impacts would result would be 8.9 hours, however when average sunshine hours are factored in (these typically being approximately 30% of daylight hours per annum) this figure is further reduced to 2.7 hours. Overall, it is considered that impacts resulting from shadow flicker would not be significant.

However, the agent's report indicates that should shadow flicker be found to occur in practice following commissioning of the turbines, and is considered to have a

detrimental effect on the occupiers of any of the assessed properties then mitigation measures may be put in place to limit such adverse impacts. Operational mitigation may include fitting screening in the first instance or if these measures are not suitable then automatic turbine control systems can be fitted to the turbine to fully mitigate this. A more detailed assessment could be carried out to predict the exact time of day and conditions during which the phenomenon could occur and the turbine fitted with a solar sensor to monitor the light intensity, and in turn trigger a turbine shut down during these periods.

Overall, whilst shadow flicker is theoretically predicted to occur at various properties within the vicinity of the development site, this would only be for relatively short periods of time. Furthermore, in practice, the magnitude of shadow flicker effect will be less than that theoretically calculated, due to a number of factors, including cloud cover, times when turbines are not turning, and orientation of the hubs and rotors. Additionally, no cumulative effects (from the existing operational turbine at Bwlfa Farm) are predicted to occur. Given the above and the fact that the agents have indicated a willingness to accept a planning condition, to ensure that any complaints will be investigated in a reasonable timescale and the rectification of any shadow flicker problem that is substantiated will be implemented, no objections have been raised by the Council's Public Health & Protection Section.

Ecology/agricultural land quality

An Ecological Appraisal, Bat Survey Report and an Ornithological Assessment have been undertaken by Ecology Resources and accompany the planning application. In order to aid in the assessment of this aspect of the scheme, consultation has been undertaken with the Council's Ecologist. The assessment concludes that no local, national, or internationally designated sites will be affected, in terms of its conservation status.

In terms of habitat, the survey work has shown that the Nant Y Gwyddon site supports a diverse mosaic of habitat including different 'brownfield' grassland types and associated habitats. This work has concluded that most of these habitats (marshy grasslands, acid grassland, neutral grassland, and dry heath) all satisfy SINC selection criteria. However the area affected by construction is very limited in extent, affecting short thin soiled ephemeral vegetation. Given the capacity to control development footprint, the loss of habitat to the turbine infrastructure is very small compared with the total habitat area. With appropriate conditioning to control development, it is considered that the habitat impact is of an acceptable level.

In terms of bats, it is considered that an appropriate level of bat survey work based on recognised methodologies and guidance documents has been provided. A minimum of 5 species were recorded. These include mainly pipistrelle species, but also Noctule (high flying bats) and *Myotis* species and a little evidence of the rare Lesser Horseshoe Bat. The assessment identifies the Noctule as the most sensitive species in regards to turbine impacts, but because the usual flight height of Noctule is below the lowest point of the turbine blade, the report considers risk of collisions or

barotraumas (the air pressure impact on bats) to be neutral. The impacts on medium risk pipistrelle species is also assessed as being neutral, as is the impact on low flying species such as *Myotis* species and Lesser Horseshoe Bat. The Council's Ecologist confirms that the bat survey has employed appropriate methods and effort, and as a result it is reasonable to accept the conclusion that this single turbine is unlikely to have an unacceptable impact on local bat usage of the site. The bat report identifies a measure to reduce and control light pollution during construction, and precautionary measures if bats are encountered during construction.

Again, it is considered that an appropriate survey effort (72 hours) has been provided in relation to bird usage of this site over the summer/early autumn period. This has included bird survey work (vantage point surveys), specific evening work for nightjar, and a review of bird survey information from other wind farm schemes in Rhondda Cynon Taf. The survey identified a diverse and relatively species rich bird usage of the area around the Nant Y Gwyddon site. 12 wind turbine sensitive species (or groups) were recorded during surveying (Buzzard, Goshawk, Grey Heron, House Martin, Jackdaw, Kestrel, Merlin, Nightjar, Raven, Red Kite, Swallow and 'notable declining passerine (song bird) assemblage'. The report considers the construction and operational impacts of the turbine on these species, including collision risk (with modelling for six species) with turbines and electric cables, land take and displacement. The report references a variety of case studies and reviews in relation to these species and the implications of single turbine development. The report also assesses the cumulative impacts of this turbine in combination with other Rhondda wind farm sites. In summary the assessment concludes no unacceptable impacts on any of the species or bird assemblages, with the cumulative collision risk for the six modelled species being neutral with a high degree of certainty/near certainty in those assessment conclusions.

No Badger use was recorded, and in essence the assessment concludes low risk of impact on Badgers. The ecology report concludes that reptiles will be present on the Nant Y Gwyddon site, but for reasons of the short ephemeral vegetation of the turbine site and the small disturbance area, the impacts on reptiles of site construction is likely to be very low.

The ecology report also includes an assessment of Great Crested Newts. The appraisal assessed 11 ponds/pools on the Nant Y Gwyddon Site for potential as Great Crested Newt breeding habitat. One pond (P4, 190 metres from the turbine) was assessed as having good potential: the other 10 ponds below average or poor. No records of great crested newt exist for this site. The Report concludes that it is possible amphibians might forage or over-winter on the areas affected by the turbine, but there is no evidence of this. The report includes a section on further assessment of Great Crested Newt potential. Based on this it concludes that the presence of Great Crested Newt on this site is considered to be highly unlikely and that Great Crested Newts are not a statutory constraint, nevertheless, a precautionary destructive search of the turbine site is recommended. Having reviewed the report, the Council's ecologist agrees with the findings and recommendations. Similarly, NRW raise no objections to this aspect of the scheme, providing a condition is

attached to any planning permission granted to ensure that the development is carried out in accordance with the method statement.

In conclusion, the Council's Ecologist and Natural Resources Wales agree with the findings of the surveys and assessments, in that the proposed development is unlikely to significantly affect the existing habitat or protected species. However, it is recommended that conditions be attached to any permission granted, which would require the submission of a Species and Habitat Protection and Mitigation Plan for Construction, prior to commencement of any works on site and the agreement of a formal process for the reporting incidental bat and bird strikes to the Local Planning Authority. As such, it is considered that this aspect of the development accords with the requirements of policy AW8 of the Local Development Plan.

In terms of agricultural land quality, it is clear that agriculture is not a consideration for this proposal, as the wind turbine and associated works and assess would involve a small piece of land located within the confines of a former landfill site. Therefore, there would not be an agricultural constraint to the development.

Former Land Use

As the application site lies within a former landfill site the submission is accompanied by a range of supporting material, which includes hydrology, geology, hydrogeology and flood risk assessments. In summary these reports conclude that whilst the proposed development is located within the landholding of a landfill site, the area which the turbine is to be located on has not been previously landfilled and therefore is considered possible that the risks associated with contamination can be adequately managed. In addition, the assessment considers the risk posed by the development to the baseline hydrological and geological environment and concludes that given the limited development history at the proposed turbine location and the proposed development layout, these risks are very low. Furthermore, the area of impermeable surface that will arise from the proposed development is very small, such that it would not result in an unacceptable risk of flooding or increase flooding to other areas. In order to aid in the assessment of these reports consultation has been undertaken with Natural Resources Wales.

NRW's response identifies that landfill infrastructure exists on the site, above and below ground. In particular it is noted that the (connection) cable will lie within the access track, however it would cross the leachate pipework and travel close to a number of groundwater monitoring points. On the south side of the access road, it is anticipated that there is also landfill gas and capping infrastructure. The cabling appears to terminate at the landfill gas compound where the engine/flare is situated and as such, excavation in this area will require great care. Their response identifies that it is essential that any overlap with landfill infrastructure is undertaken with great care to ensure that the integrity of leachate and landfill gas pipework is not compromised during construction. Therefore, should Members be minded to approve planning permission, NRW recommend the use of a planning condition that will require the developer to demonstrate that the landfill infrastructure will not be

compromised by the construction of the cable trench. This would take the form of a 'maintenance and care plan' which would need to be submitted and approved prior to commencement of works.

Further conditions are also suggested which require the submission of a scheme to deal with the risks associated with contamination of the site and which prevent the use of piling or other foundation designs which use penetrative methods.

Highway Safety

The development site is currently served by an existing access road and track, which connects with Nant y Gwyddon Road (B4223) to the far north. It is understood that the existing means of access to the site would be utilised, along with the construction of a small area of additional track to connect to the exact location of the proposed turbine.

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. It is noted that the application is also accompanied by an Access Study, this confirms that the turbine would be delivered taking the following route to the site, via the M4 Junction 34 > A4119 > A4058 > B4223 > Site Access.

The proposal would require the delivery of one wind turbine with a tip height of 121.5m, the supporting information indicates that there would be a total of 424 two-way Heavy Goods Vehicular (HGV) movements to and from the proposed site over a 4 month period. Having assessed the accompanying information, the Transportation Section does not anticipate that the proposal would cause any capacity or safety issues with regards the HGV vehicular traffic, with a total of 7 peak hour daily additional trips for month 1 and 2, reducing to 1 to 3 movements per day for months 3 and 4 respectively. There is a maximum of 7 Abnormal Indivisible Load trips required for the delivery of the wind turbine. The developer has submitted a swept path analysis that indicates that there are no issues with access to the site with slight oversail required on some roundabouts along the A4119 and requirement to travel against the traffic flow on one roundabout (swept path figure 7.14) which will be delivered under police escort under the Transport Management Plan which is considered acceptable. Taking the above into consideration and as part of the condition requiring a Transport Management Plan, the developer must undertake a trial run mimicking the longest and widest components along the access route. Prior to any transport of Abnormal Indivisible Loads the developer must consult with the Council with regards the transport route and provide a detailed survey of any structures that may be affected, in terms of weight restrictions, height restrictions and any potential mitigation measures that would be required.

Overall, the comments of the Transportation Section conclude by stating that the proposal is acceptable in highway safety terms, subject to the submission of an expanded Traffic Management Plan being submitted, prior to commencement of

works, and a dry run being undertaken. As such, no objections are raised, subject to conditions.

Public Rights of Way

It has been identified that the site is crossed by a Public Right of Way, that being Ystrad 18 path. Whilst the scheme does not propose to stop up or divert the PROW it is noted that the existing access track intersects with the PROW at various points. As the applicants intend to use the existing track to access the site, they would need to make adequate provision to ensure during the construction period, that users of the PROW are aware that construction traffic will be crossing the route. Similarly, any damage caused to sections of the PROW as a result of the development would need to be rectified. As there is separate legislation that relates to the maintenance and management of PROWs, an informative note, drawing the applicant's attention to these issues and the need to consult with the Council's Public Rights of Way Officers is suggested, should Members be minded to approve planning permission.

Cultural Heritage

In order to aid in the assessment of the proposal in terms of cultural heritage, consultation has been undertaken with Glamorgan Gwent Archaeological Trust (GGAT). Their response identifies that the supporting information, which accompanies the application, includes an Archaeological and Heritage Assessment that assesses the archaeological resource of the area and the potential effect of the proposed development. GGAT comment that information in the Historic Environment Record shows no surviving archaeological features within the area of the proposed development. It is known that from the 1980s onwards the whole application area was utilised as a landfill, entailing significant ground intrusion works. It is commented that such activity is likely to have had an adverse effect on any potential remains that might be present. Furthermore, it is noted that the turbine base would be located within an area of exposed bedrock. As a result, GGAT confirm that there is unlikely to be an archaeological restraint to this proposed development and consequently, raise no objections to the positive determination of the application.

It is acknowledged that the turbine would stand in the Rhondda Historic Landscape, as registered by Cadw. However, this is a blanket designation that has not prevented at least 54 large turbines being installed at Ferndale, Maerdy, Mynydd Pwllyrhebog and Pen y Cymoedd. Furthermore, Planning Policy Wales 9 has revised wording in relation to Historic Landscapes (6.5.27), indicating that the designation is only a material consideration for EIA proposals, which this is not.

Economic Benefits

The importance of renewable energy generation as part of the response to climate change is recognised at a UK Governmental level and wind generation is acknowledged as a viable form of substantive renewable energy production for the

short- to medium-term. Furthermore, renewable energy from wind supports the national economic objective to diversify energy supply and to lessen dependence upon the importation of fossil fuels. PPW and the LDP require the economic considerations of any proposed wind turbine to be considered. As set out above, whilst in this case the turbine would be classed as a small scale wind development in policy terms, being a “sub local authority” scale of development, at under 5MW, all energy generation would be sold to the National Grid, so it would still help in the delivery of renewable energy targets. The applicant has advised there would be no grid connection problems as the connection would take place via underground cable connections to the existing electricity network. The employment generation of short term jobs from the construction of the wind turbine and its maintenance over the lifetime of the project is recognised and is also considered an economic benefit of the scheme.

It is also noted that as part of the project, a Community benefit fund would be established. This would be a joint project between the landowner and Sirius Renewable Energy with funds being directed towards youth sport initiatives and existing youth sports clubs in the area.

Other Considerations

Policy AW14 refers to the safeguarding of minerals, stating that in certain locations, mineral resources shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction. Whilst this issue is not covered in detail in the supporting documents, it does not carry great significance as in reality the extent of sterilisation would be minimal and technically temporary, since the development has a life of only 25 years.

In relation to drainage matters, were the application to be otherwise acceptable, a condition requiring the details of the treatment of surface water matters would be imposed in order to assess the potential impact on flood risk matters.

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 development represents (in policy terms) a small scale wind development that would contribute to the Welsh Government's commitment to optimising renewable energy generation, as set out in Section 12 of PPW. Furthermore, having assessed the impacts of the development on the character/quality of the landscape, the visual amenity from nearby residential areas and potential cumulative impact with existing

and proposed wind turbines in the vicinity; on balance, it is considered that the proposed development can reasonably be accommodated within the landscape without significant harm to its character and integrity. In addition to this, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology. Therefore, whilst acknowledging there is some local opposition to the proposal, on balance, it is considered that any harm caused by this development would not outweigh the objectives of both local and national planning policy, which seek to promote development proposals that meet national and local renewable energy targets.

As such, having regard to all the matters raised above, it is recommended that the application be approved, subject to the conditions set out below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s) and documents received by the Local Planning Authority on:

- Nant-y-Gwyddon Wind Turbine: Figure 2.1 – Site Context (dated 14.10.2016).
- Nant-y-Gwyddon Wind Turbine: Figure 2.2 – Planning Application Boundary (dated 3.10.2016).
- Nant-y-Gwyddon Wind Turbine: Figure 2.3 – Illustrative Site Layout (dated 14.10.2016).
- Nant-y-Gwyddon Wind Turbine: Figure 2.4 – Indicative Grid Connection Cable Route (dated 6.3.2017).
- Nant-y-Gwyddon Wind Turbine: Figure 2.5 – Typical Wind Turbine Details (dated 28.9.2016).
- Nant-y-Gwyddon Wind Turbine: Figure 2.6 – Typical Turbine Foundation Design and Construction Details (dated 28.11.2016).
- Nant-y-Gwyddon Wind Turbine: Figure 2.7 – Typical Internal Access Track & Crane Pad Construction Details (dated 28.9.2016).
- Nant-y-Gwyddon Wind Turbine: Figure 2.8 – Typical Transformer and Substation Typical Details (dated 28.9.2016).
- Nant-y-Gwyddon Wind Turbine: Figure 2.9 – Indicative Construction Vehicle Access Route (dated 28.11.2016).

- Nant-y-Gwyddon Wind Turbine: Figure 4.1 – Site Closure Plan and Turbine Site Layout Plan (dated 7.3.2017).

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of the First Export date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

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

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

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

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with policies CS1, AW5, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

4. Operations shall not be commenced until details of the colour and external finish of the turbine and associated structures, proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

5. The wind turbine shall be of a 3 bladed configuration and not exceed an overall height of 121.5m to the tip of the turbine blades. The turbine shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interests of visual amenity and to ensure that the turbine is not obsolete, produce electricity whilst in situ and is removed from the site if it ceases to function, in accordance with policies CS1, AW5, AW7, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

7. All electricity and control cables between the turbine and the switch room shall be laid underground, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise environmental impact in the vicinity of the site in accordance with policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

8. Construction work on the site, excluding the delivery of abnormal loads and actual erection of the wind turbine, shall be confined to the hours of 0700 - 1900 Mondays to Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise impact on the amenities of local residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No abnormal load delivery shall take place between the hours of 0700 – 0900 and 1600 – 1800 unless otherwise agreed in writing by the Local Planning Authority.

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

10. The noise emission from the wind turbine shall not exceed a sound pressure level $L_{A90,10min}$ of 35Db(A) at the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent at wind speeds up to and including 10 m/s at 10 m height. For the purpose of this condition, curtilage is defined as "the boundary of a lawfully existing domestic garden area".

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. At the reasonable request of the Local Planning Authority (LPA), following a complaint to it about noise emissions from the wind turbine, the wind turbine operator shall, if required shut down the turbine and at their own expense, employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure and assess, and report to the Local Planning Authority the level of noise emissions from the wind turbine at the property to which relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. If the assessment (referred to in condition 11) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

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

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. In the event of an alternative turbine to that contained in the submitted noise assessment (reference) being chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Wind speed, wind direction and power generation data for the wind turbine shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the attached guidance notes within 28 days of any such request.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place until a Species and Habitat Protection and Mitigation Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and

sensitive working practices) to avoid or reduce impacts during construction;

c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, reptiles, etc.)

d) Details of specific species and habitat mitigation measures

e) Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;

vi) Specific species and Habitat Mitigation measures

vii) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

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

17. Development shall be undertaken strictly in accordance with the requirements contained within the Great Crested Newt Working Method Statement, produced by Ecology Resources Ltd. Date March 2017.

Reason: To afford protection to protected species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

18. No development shall take place until the details of the process of reporting incidental bat and bird strikes to the Local Planning Authority has been agreed in writing with the Local Planning Authority. Thereafter, the required reports shall be provided to the Local Planning Authority in accordance with the agreed details.

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

19. Prior to the development commencing, component 1 below of a scheme to deal with the risks associated with pollution and or damage to landfill infrastructure at the site shall be submitted to and approved, in writing, by

the Local Planning Authority: Component 2 shall be submitted to and approved, in writing, by the local planning authority prior to the development being used for generating electricity other than for commissioning or trials.

1. The developer shall submit proposals for the excavation of the cable trench, construction of turbine and crane pads, when proximal to landfill infrastructure (landfill gas, leachate pipework and groundwater monitoring wells) to ensure that they are protected and effectively maintained/replaced. This should be in the form of a Maintenance and Care Plan (MCP) prepared by an independent CQA engineer (CQAE) familiar with landfill infrastructure.
2. The developer will engage an independent CQAE to ensure supervision of the excavation of the cable trench in areas identified in the MCP as at risk. A verification report demonstrating effective completion of the works set out in the approved MCP.

Reason: To ensure the landfill infrastructure (landfill gas, leachate pipework and groundwater monitoring wells) and the development are afforded adequate protection in accordance with policy AW10 of the Rhondda Cynon Taf Local development Plan.

20. Prior to the development commencing, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in

order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The landfill and ground gas emissions should be assessed to ensure that the foundation, utility service entry points and enclosed spaces within the development are afforded adequate gas protection measures either directly from landfill gas or indirectly from leachate. Alternatively protection measures should be included in the design in accordance with policy AW10 of the Rhondda Cynon Taf Local development Plan.

21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk from landfill gas or to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Although a typical design is shown to be a reinforced concrete pad, the actual design is not confirmed. The condition is required to ensure the development and environment is afforded adequate protection from landfill gas and leachate in accordance with policy AW10 of the Rhondda Cynon Taf Local development Plan.

22. No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. Any temporary mitigation measures affecting public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development. The TMP shall include the following:-

- a) Swept Path Analysis (showing full route and mitigation measures);
- b) Component size (width, height, length, weight);
- c) Convoy Length (number of vehicles including emergency services and escorts);
- d) Traffic Management (during transportation of abnormal loads);
- e) Structures (over bridges height, width, weight restrictions);
- f) Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales);

- g) Dry Run (to be witnessed by highway authority and police);
- h) Temporary Traffic Regulation Orders; and where residents displaced parking would take place without impacting on free flow of traffic and highway safety.
- i) Emergency Contingencies.

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

23. Prior to the commencement of the development, a report indicating a methodology for undertaking a condition survey of local roads including the site access road to Nant-Y-Gwyddon Road B4223 to the A4058 shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety.

24. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To prevent debris and mud from being deposited onto the public highway, in the interests of highway safety.

25. In the interests of air safety, the turbine shall be fitted with aviation lighting. The turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of air safety in accordance with Policy AW12 of the Rhondda Cynon Taf Local Development Plan.

26. No development shall take place until full drainage arrangements have

been submitted to and approved in writing by the Local Planning Authority. The turbine shall not be brought into use until drainage arrangements have been completed in accordance with the approved details.

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

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APPLICATION NO: 17/0650/10 (BJW)
APPLICANT: Mr K Withers
DEVELOPMENT: Demolition and rebuild of existing garage

LOCATION: LAND OPPOSITE 28/29 THE AVENUE,
PONTYGWAITH, FERNDAL, CF43 3LN
DATE REGISTERED: 20/06/2017
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: Approve

REASONS:

The proposed replacement garage would be of an acceptable scale, design and appearance that is in keeping with the surrounding area and which would not have an adverse impact on the amenities of neighbouring properties or on highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received in relation to the application.

APPLICATION DETAILS

Full planning permission is sought for erection of a detached domestic garage on land opposite 28/29 The Avenue, Pontygwaith, Ferndale.

The garage replaces a previous, smaller garage on the site which was removed and works on the current proposal has commenced. The developer was contacted by the Planning Enforcement Section following complaints by neighbouring residents concerned over the increase in size and appearance of the garage. The works then ceased while planning permission was applied for. Works completed so far comprise the retaining wall, concrete base, timber frame structure and the side walls although these have not been colour coated.

The proposed garage would include a rear retaining wall due to the sloping nature of the site at the rear and would immediately abut the highway of The Avenue. The proposed building would measure 5.15m in length by 4.05m in width by 2.05m to the eaves and 2.75m in height to the highest part of the mono-pitched roof. The garage would be finished in painted corrugated sheet walls and roof and would feature a roller shutter door.

The garage would be arranged so as to access directly onto the adjacent highway of The Avenue over a concrete apron.

SITE APPRAISAL

The application site is a rectangular shaped piece of land located opposite properties in The Avenue, Pontygwaith.

The site had a previous, albeit smaller, garage on the site. The land either side is mainly clear, however there is an electrical substation approximately 6m to the north west; garages 65m to the north west and other garages 40m to the south east.

PLANNING HISTORY

None.

PUBLICITY

This has included the direct notification of properties surrounding the site and the display of site notices. Four letters of objection have been received, one of which was a petition signed on behalf of three individual properties. The main points of the objections are as follows:

- The new garage is twice the size of the original building.
- Works have already started.
- The building is just a large corrugated shed and does not enhance the look of the area.
- A number of years ago the Council assured the residents of The Avenue that when the plateau was sold that no building on it would obscure the resident's view.
- The land is opposite 28/29 the Avenue.
- Loss of view.

CONSULTATION

Transportation Section – no objection, subject to conditions to restrict the use of the garage to purposes associated with a domestic use and that no trade or business is to be carried out therein and details of the garage apron to be agreed with the Local Planning Authority and implemented in accordance with the agreed details.

Land Reclamation and Engineering (Drainage) Section – no objection, subject to a condition requiring the submission and approval of a drainage scheme for the proposal.

Public Health and Protection Division – no response received at the time of writing the report. Any response received will be reported orally to the Members of Committee at the meeting.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

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 – requires the assessment and mitigation of significant adverse risks to public health, the environment and/or impact upon local amenity.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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, Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability).

Planning Policy Wales Technical Advice Note 12 Design.

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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 development is for the rebuilding of a garage within the settlement boundary and the principle of the development is therefore acceptable subject to the criteria set out below.

Visual amenity

It is considered that the proposal would be of a design and appearance that would be appropriate to its setting and to the visual amenity of the area. Therefore, it is considered that the development is acceptable and in keeping with the character and appearance of the area.

Impact on neighbouring properties

The proposed garage would be of an appropriate scale, design and appearance. The garage would replace an existing structure (albeit a smaller one) on the site with a larger garage. However, it is considered that there is an adequate distance between the proposal and properties within the area and that, subject to the application of a suitable colour that no detriment would be caused.

Consequently, it is not considered that the proposal would have any additional adverse impact on the closest neighbouring properties that would be sufficient to refuse the application.

Highway safety

The proposal would create a replacement garage facility at the site within a residential setting. The applicant has specified that the garage is for domestic purposes however, the Transportation Section has suggested a condition to ensure that this is the case. It is considered that this condition, along with the other condition regarding the vehicle apron on to The Avenue would be reasonable and necessary in this regard.

Consequently, it is considered that the proposal is acceptable in this respect.

Drainage

The proposal would create a substantial new structure at the site that would increase the amount of impermeable area and have implications for the drainage arrangements of the site and its surroundings.

The application has been the source of consultation with the Council's Drainage Section which has raised no objection to the application subject to Drainage conditions. Having regard to the suggested conditions and the scale of the

development it is considered reasonable and necessary to include the conditions in order to adequately address this issue.

Other issues

The application has been the subject of several objections from neighbouring properties. Having regard to the representations received the following comments are offered:

1. The submitted plans indicate an increase in size of the width of the garage of 20cms and a decrease in ridge height of 20cms. This is considered to be a very minor increase in the scale of the resultant building and well within the acceptable limits of a domestic garage.
2. The application is partially retrospective. The applicant took down their existing garage and claim that they did not realise that consent was required for a replacement building. This is not in itself reason to refuse planning consent. The developer has ceased works and sought to regularise the development through a planning application.
3. The garage is currently unfinished and is detrimental to the street scene. However, given the application of a suitable colour on completion, the garage would have an acceptable visual appearance.
4. The proposal is considered to be a modest structure and is sufficient distance from residential properties not to cause a visual obstruction.
5. The issue regarding the address is acknowledged however there is only one proposed new garage within the area. Neighbouring properties were notified and site notices displayed and while the address has now been altered, it is not considered that this has prejudiced the ability of the public to comment on the proposal.
6. It is generally accepted planning practice that individual property owners do not have a right to a view and the loss of view is therefore not a material planning consideration.

Conclusion

Consequently, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the requirements for residential outbuildings, its impact on neighbouring properties, visual amenity, drainage matters and highway safety.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan(s) Location Plan; Block Plan; Proposed Plans and Elevations unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. Prior to any further works being undertaken and within 6 weeks of the date of this consent, samples of the materials, including the proposed colour, to be used shall be submitted to and approved in writing by the Local Planning Authority and all materials and finishes used shall conform to the sample(s) so approved.

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

3. Prior to any further works being undertaken and within 6 weeks of the date of this consent, the drainage arrangements for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

4. The garage, hereby approved shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans.

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

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

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

6. Before the garage is brought into use, the garage entrance apron and tie in details shall be constructed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority, before any further development is undertaken on site.

Reason: To prevent damage to the public highway, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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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

17 AUGUST 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 494758)**

See Relevant Application File