

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
5 DECEMBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 7
	<p>APPLICATION NO: 11/1314 - CHANGE OF USE TO FORM 9 HOLE ACADEMY GOLF COURSE AND 9 HOLE PITCH AND PUTT COURSE, TOGETHER WITH WORKS TO FORM HOLES, ACCESS, CAR PARKING AND ANCILLARY LANDSCAPING (AMENDED PLANS RECEIVED 30 AUGUST 2013 SUBSTITUTING PREVIOUSLY PROPOSED FLOOD-LIT DRIVING RANGE WITH PITCH-AND-PUTT COURSE), LAND AT RYDHALOG FARM, COWBRIDGE ROAD, TALYGARN</p>

1. PURPOSE OF THE REPORT

Members are asked to determine the above application for planning permission.

2. RECOMMENDATION

That Members consider the planning application proposals and the report thereon and determine the application having regard to the advice given.

3. BACKGROUND

The planning application for this proposed development was originally reported to the Development Control Committee on 17 October with a recommendation that it be approved subject to conditions and a Section 106 Agreement (see **APPENDIX A**). At that meeting Members resolved that they were minded to refuse the application contrary to officer recommendation, because they considered the proposed development would exacerbate the existing highway congestion problems in the area to the detriment of highway safety. Accordingly, it was resolved that determination of the application be deferred for a further report into the strengths and weaknesses of taking a decision contrary to officer recommendation (Minute 112 (1) refers)

Concerns over the highway safety implications will be the likely consequences of the proposed development, however the concerns

raised by Members relate inherently to the suitability of the land to accommodate a golf course on the scale proposed, which would seem to be wholly reliant on the importation of landfill material. The application state proposal states it will require the net importation of 305,000 cubic metres of inert waste material, sub-soil and top soil over a period lasting up to 4 years in order to create the land profiles and playing surfaces for use as a golf course. However, there are no guarantees over the length of time it will take to secure the amount of fill material required to be able to construct the golf course therefore there is a worrying uncertainty over the length of time that residents of the area could be expected to endure the disruption and visual consequences. Consequently, there is concern whether sufficient information has been provided to demonstrate the viability of this type of facility, the negative consequence of which would effectively mean that the approval would amount to little more than a commercial tipping operation.

Whilst the above concerns are acknowledged, Members are respectfully requested to further consider the report attached at **APPENDIX A**, which fully assesses all of the planning considerations in coming to a recommendation of approval. However, if after further consideration Members are still minded to refuse planning permission then the following wording is suggested that reflects their concerns:

The proposed development conflicts with Policy AW5 of the Rhondda Cynon Taf Local Development Plan as, in the opinion of the Council, it would exacerbate the existing highway congestion problems in the area to the detriment of highway safety especially during the construction phases because of the scale and timescale of the proposed landfill operations to create the landforms and playing surfaces for use as a golf course.

APPENDIX A

APPLICATION NO: 11/1314/10 (PB)
APPLICANT: Mr C Ferguson
DEVELOPMENT: Change of use to form 9 hole 'Academy' Golf Course and 9 hole Pitch-and-Putt Course, together with works to form holes, access, car parking, and ancillary landscaping (Amended plans received 30th August 2013 substituting previously proposed flood-lit driving range with pitch-and-putt course)

LOCATION: LAND AT RHYDHALOG FARM, COWBRIDGE ROAD, TALYGARN.
DATE REGISTERED: 28/11/2011
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

The site proposed golf course lies outside the settlement boundary of Pontyclun, but is an acceptable countryside recreation activity and cannot reasonably be located in an urban area owing to its characteristics and scale. Due to the nature and scale of the engineering operations to form the golf course, the development is likely to impact on the character and appearance of the landscape during the construction phases, but this will be outweighed in the long term by positive landscape benefits of the scheme which will be restored and completed in phases. The development will not harm the character of the adjacent Listed Building and Registered Historic Park and Gardens at Talygarn. The consequences for traffic and highway safety, ecology, surface water drainage and residential amenity are capable of being adequately mitigated by way of conditions and a planning obligation to secure a transport tariff contribution.

APPLICATION DETAILS

Full planning permission is sought for the change of use of agricultural land and engineering operations to form a 9 hole academy golf course together with a 9 hole pitch-and-putt course, with new access car parking and ancillary landscaping on 32 hectares of land at Rhydhalog Farm, Cowbridge Road, Talygarn.

The application proposal will involve ground remodelling and engineering operations, including removal of existing hedgerows, to be undertaken as the existing landform is not considered conducive to either accommodating the golf course holes or to general high quality play. Therefore, it is proposed to undertake cut-and-fill to create a softened terraced effect as the site slope

north to south integrated into the landscape through the provision of landscaping. Due the presence of limestone bedrock suitable imported material, namely subsoil, aggregate and top soil, is proposed to be used to complete the landform for the course. A submitted Landscape Master Plan clearly defines the layout of the course, where greens, tees, sand bunkers and rough areas are to be provided. It also defines areas that are proposed to accommodate new water features that will form part of the site's drainage system and provide ecological features.

It is proposed to develop the course in three phases, with the volumes of imported material for each phase is as follows:

- Phase 1: 110,000 cubic metres
- Phase 2: 137,000 cubic metres
- Phase 3: 74,000 cubic metres

This gives a total volume of material to be imported to the site of 321,000 cubic metres. The applicant has since confirmed that the substitution of the previously proposed flood-lit driving range with the 9 hole mini golf course reduces this figure to 305,000 cubic metres.

Based on these figures the applicant considers the phasing of the development will be as follows'

	Import to be completed (from date of commencement)	Landscaping implemented (from completion of earthworks)	Hole ready for play (from date of commencement)
Phase 1	12 – 14 months	4 – 6 months	16 – 20 months
Phase 2	28 – 32 months	4 – 6 months	32 – 38 months
Phase 3	40 – 42 months	4 – 6 months	44 – 48 months
Total Import time	40 – 42 months		
Time to finish project and whole golf course			Max. 48 months

A new access is proposed to serve the development, which will be formed direct off Cowbridge Road (A4222) incorporating a ghost island right turn facility. The access will be positioned between the north and south accesses to the lay by off Cowbridge Road at Rhydhalog, and will cut across the lay by and island that separates it from Cowbridge Road. The access will then turn northwards leading to a parking area for 60 cars, 2 buses, 10 cycles 1 light goods vehicle and 2 disabled vehicles in the north-west corner of the site, where also it is indicated that a club house building would be sited, though the details of this structure would be the subject of a future application. The existing southern access to Rhydhalog off Cowbridge Road will be used during the construction phases.

The development is anticipated to provide employment for 5 people.

The application is accompanied by the following documents:

- Design and Access Statement
- Transport Statement
- Ecological Assessment

SITE APPRAISAL

The application site comprises 32 hectares of agricultural land situated to the south of Talygarn and to the east of the Cowbridge Road, Pontyclun. The land generally slopes gently downhill from north to south and is laid out in a series of interconnected fields with boundary hedgerows and field gates. The fields appear to in use mainly as grazing pasture. Currently, access is gained via a field gate situated just to the north of residential property located adjacent to the southern boundary of the site.

The application site is surrounded and contiguous with other agricultural land to the east and south, and similar agricultural land extends to the west the other side of Cowbridge Road opposite the site. To the north the site is bounded by trees that demarcate the adjacent Talygarn Park, which is a Grade II* Listed Historic Park and Garden. The nearest settlement to the site is Talygarn Pontyclun which is situated opposite Talygarn Park.

PLANNING HISTORY

97/2612	Rhyd Halog Farm, Cowbridge Road, Talygarn, Pontyclun	Renewal of outline planning permission for 18 hole golf course.	Withdrawn 15/03/00
94/0403	Rhydyhalog Farm, Cowbridge Road, Talygarn, Pontyclun	Renewal of Outline Planning Approval 56/91/0348 (Development of new 18 Hole Golf Course with Club House and Parking).	Granted 19/09/94
91/0348	Rhydyhalog Farm, Cowbridge Road, Pontyclun	Development of new 18 hole golf course with clubhouse and parking (outline)	Granted 15/10/91

PUBLICITY

Neighbouring properties have been notified of the application which also has been the subject of site and press notice publicity.

Arising from the above a total of 7 letters and emails of objection to the proposal have been received. The grounds of objection are summarised as follows:

- physical damage to the environment
- loss of agricultural land

- development out of character in the area
- application site lies outside Development Plan settlement boundary.
- viability of and need for development given other golf courses and a driving range nearby (Hensol, Vale of Glamorgan), some of which are not doing very well commercially
- development is essentially a tipping operation
- pollution of waterways close to site
- loss of wildlife habitat and hedgerows
- impact of netting and floodlighting of driving range
- danger to pedestrians and animals from stray golf balls
- nuisance, vandalism and litter.

CONSULTATIONS

Transportation Section - no objection subject to conditions and the applicant first entering into a legal agreement to make a transport tariff contribution of £106,859 towards improving the highway network and £16,500 towards the cost of remedial works associated with the additional damage caused by the extraordinary traffic use.

Land Reclamation and Engineering - no objection subject to conditions though notes the site is located within Flood Zones C2 and C3 or is identified as being within an area susceptible to surface water flooding. A Flood Consequences Assessment is required.

Public Health and Protection - no adverse comment, though offers advice and recommendations in relation to noise, dust, lighting and potential contamination from previous uses of the land.

Natural Resources Wales (legacy Environment Agency Wales & Countryside Council for Wales) - no objection subject to the development being implemented in accordance with the recommendations set out in the ecological report that accompanies the application, and subject to drainage conditions. The majority of the development site is located outside the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Rhydhalog and Nant Dyfrig main river watercourses, therefore no adverse comment in relation to flood risk. A small area of the development, the western and southern edges of holes 4 and 5, is located in the 1% and 0.1% fluvial flood outlines of the Nant Rhydhalog. Any intention to re-contour and raise the land within the flood outline should require floodplain compensation works to be undertaken on an equal volume and level for level basis.

Parks and Countryside Section - no SewBrec records of protected species from the immediate site vicinity. Robust site mitigation necessary to safeguard the SINC habitat in the site fringes and adjacent,

Cadw - so long as mitigation measures put in place to screen the development, particularly the car parking, from the park of Talygarn Park and Garden (Grade II*) it should not have a significant adverse impact on the park's character or setting.

Glamorgan Gwent Archaeological Trust - our view is that the development will not adversely affect the Grade II* Park and Garden of Talygarn.

Vale of Glamorgan Council (neighbouring Local Planning Authority) - no objection subject to ecological and habitat safeguards.

Dwr Cymru/Welsh Water - no adverse comment.

POLICY CONTEXT

Rhondda Cynon Taff Local Development Plan

Application site is outside any settlement boundary, includes part of a Site of Interest for Nature Conservation (SINC), is included in a Limestone resources safeguarding area, and forms part of a Special Landscape Area (Talygarn Surrounds). The adjoining land to the north-east is in a conservation area (Talygarn) and registered historic park (Talygarn).

Policy CS1 emphasises sustainable growth in the Southern Strategy Area that benefits the whole plan area.

Policy AW2 promotes development of non-allocated sites in sustainable locations.

Policy AW4 provides for planning obligations to be sought.

Policies AW5 and **AW6** give general criteria for new development.

Policy AW7 requires proposals which impact on historic sites to preserve or enhance the character and appearance of the site.

Policy AW8 gives criteria for development impacting on SINC sites.

Policy AW14 requires the safeguarding of mineral resources.

Policy SSA23 requires the highest standards of design in special landscape areas.

Planning Policy Wales

Paragraph 5.3.11 Special Landscape Areas or Site of Interest for Nature Conservation should not unduly restrict acceptable development.

Paragraph 6.5.17 should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a

conservation area, or its setting, there will be a strong presumption against the grant of planning permission.

Paragraph 6.5.25 local planning authorities should protect parks and gardens and their settings.

Paragraph 4.9.1 agricultural land of grades 1, 2 and 3a is the best and most versatile, and should be conserved as a finite resource for the future.

Paragraph 11.3.3 authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, for larger developments, ease of access and safety of residents, users and the public.

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.

The principle of the proposed development

The application site lies outside settlement boundaries and generally considered to be an unsustainable location for new development under Policy AW2 of the LDP, any development of a new golf course, as this is the case here, inevitably by their very scale, nature and characteristics will be outside the settlement boundary. Considering the particular use proposed, the site is reasonably accessible. Moreover, planning approval has been granted for a golf course development on this site in the past and whilst it has expired so no longer a weighty consideration, it is nevertheless material. Therefore in principle there is no objection to a golf course at this location.

The key issues in the consideration of this application are the consequences of the proposed development for the following:

- Character and appearance of the landscape.
- The setting of the historic park adjacent to the site.
- Transportation and highways safety.
- Ecology and surface water drainage.
- Residential amenity.

Character and appearance of the landscape

The application site lies within the Talygarn Surrounds Special Landscape Area as designated under Policy SSA 23 of the LDP. This policy requires the development to meet the highest standards in terms of the design of buildings, car parking arrears and the profile of the golf course and landscaped areas in order to minimise its impact upon the special landscape at this location.

In this regard it is has to be understood that the creation of a golf course on sloping agricultural land at this location inevitably will involve a degree of re-profiling to form the greens and fairways capable of being used in play. The application plans indicate that in general the proposed golf course seeks to work with the general slope of the land so that it will not introduce a starkly different land form. That said, it is nevertheless evident from the applicant's submission that the owing to the topography of the site and the presence of limestone bedrock the importation of suitable inert aggregate, subsoil and top soil material is considered necessary to facilitate the final landform. At face value the volume of material (305,000 cubic metres) proposed to be imported might seem excessively great and the length of time for the end use to be achieved rather protracted. This process will involve the importation of a substantial volume of material and engineering operations over a period lasting a maximum of four years and will impact significantly on the landscape during the period of those operations until the final landform is achieved and more especially the landscaping is successful.

Inevitably, this prompts speculation whether or not the proposal is primarily a tipping operation being sought on the back of golf course, a matter which features prominently in the representations received from members of the public. The applicant has explained this aspect of the proposal with reference to comparable proposals for golf course developments elsewhere in the UK, which provide evidence to that the volume of imported material and engineering operations required to form a golf course of this scale are not atypical. Taking this evidence at face value it is difficult to argue that the proposed landform engineering operations are excessively protracted and unnecessary given the topography at this location and the characteristics and objectives of the end use.

Looking beyond the short term, the landscape impacts of the development are far more favourable in the longer term. The landform will generally follow the profile of the existing topography and mixture of fairways, greens, bunkers, and water and landscaping planting features generally will compliment the wider landscape at this location. The location of the access, car park and associated clubhouse also will be sited where they will minimise their visual impacts on the landscape.

To summarise, there is a balance to be considered between the negative landscape impacts of the development during its engineering and development phases and far more favourable impacts of the final golf course development in the longer term. On the basis the golf course is proposed to be developed in three phases with the first phase to be completed and ready for play inside two years and the second phase in just a little over three years,

it is considered the short term negative impacts are capable of being mitigated to a significant extent as the overall project migrates and progresses to final completion across the site. On balance, therefore, it is concluded the proposal is unlikely to have significantly harmful impacts on the landscape at this location though this is dependant upon the phased implementation of the landscaping works and preparation of holes ready for play behind the completed engineering operations in the phases and to the timescales submitted by the applicant.

Impact on adjacent Listed Building and Historic Park and Garden

While the Rhydhalog Farm site itself does not have any existing historic environment designations, it sits adjacent to the boundary of Talygarn Manor. There are a number of listed buildings at Talygarn, including the Manor itself which is listed at Grade II*, and the parkland and landscape are designated as both a Conservation Area and a Registered Historic Park and Garden at Grade II*. These assets are an important material consideration in the determination of this application.

The north-eastern boundary of the application site runs directly along part of the boundary of Talygarn Park, and at this section of the boundary there is a tree-lined drive with what appear to be 19th century gates and gateposts at its end (which can themselves be treated as curtilage listed structures). From historic map regression, this appears to be a subsidiary access drive into the estate (the principal entrance drive is further north). Immediately north of this drive is parkland which has most likely been grazing land historically, while north of that is the ornamental arboretum. The land which is the subject of this application, to the south of the drive, is open agricultural land belonging to the farm of Rhydhalog.

The historic significance of this part of the Talygarn Conservation Area and Registered Historic Park and Gardens, adjacent to the application site boundary, lies in the tree lined drive with gates, with open parkland on one side and open agricultural land on the other. While the belt of trees lining each side of the drive is quite thick, during the winter months there is a clear visual relationship between both sides. Although this may not be present during the summer months, the open nature of the land gives the drive its landscape setting. Any development which took place too close to this drive could have a detrimental impact on its setting, and thus on the wider Conservation Area and Registered Historic Park and Gardens.

Initially, there was some of the development will have too negative an impact on the setting of Talygarn. In particular, the proposed clubhouse with associated car parking and tree planting, plus flood-lit driving range appeared to be too close to the secondary drive. The tree planting which would screen the clubhouse from the road would also have the effect of removing the ability to understand the importance of the solid belt of trees which currently stand in isolation, lining the driveway. In addition to this, the clubhouse building and car park would completely alter the agricultural character of the land which flanks the drive. In response to this concern the applicant has since amended

the layout of the development to provide a greater degree of physical separation between the car park and clubhouse and the historic driveway. The flood-lit driving range has been deleted from the scheme altogether and replaced by a mini-golf course.

As a consequence of these changes the scheme is considered unlikely to have any significantly harmful impacts for the adjacent Listed Building, Conservation Area and Registered Historic Park and Gardens.

Transportation and Highway Safety

The application is accompanied by a detailed Transport Assessment which deals with the traffic and highway safety consequences of the proposal.

The site is located off the A4222 Cowbridge Road which is subject to a 60mph speed limit. A new site access is proposed to the east of the existing access close to Rhydhalog Farm which is to be blocked off as part of the development. A seven day speed survey was undertaken between 28 June 2011 and 4 July 2011 where the northbound 85th percentile wet weather speed was 58.4 mph and the southbound 58.3mph.

A Stage 1 Road Safety Audit (RSA) of the access proposals has been undertaken by Traffic Management Consultants Ltd. where concerns are raised in terms of speeding traffic and its significance in terms of the increase in turning movements that would be generated by the proposed development. The Road Safety Audit suggests that the speed limit is lowered to 50mph as a road safety measure. However, the Transportation Section is concerned that this would not necessarily reduce speeds to this level as the A4222 Cowbridge Road in the vicinity of the site is a straight rural road for a distance of over 500m and, therefore, would encourage faster speeds in excess of 50mph, unless it is enforced.

The existing site access close to Rhydhalog Farm has been assessed in terms of providing an alternative access to that proposed for the development. The sight lines at this location onto the A4222 Cowbridge Road have been set back and are in compliance with the requirements as set out in TAN18: Transport for a 60mph speed limit (2.4m x 215m) subject to the verge areas being maintained to restrict vegetation.

Further to discussions with the agent, an amended layout plan (Drawing No. Figure 3.3 Rev. A) has been submitted that shows a revised access arrangement that utilises the existing access off the A4222 Cowbridge Road close to Rhydhalog Farm leading to the site which is considered acceptable subject to detailed design.

The proposed site access into the site directly off the former route of Cowbridge Road must provide for vision splays of 2.4m by 40m that are achievable by setting back the site boundary capable of being conditioned in the event of planning permission being granted.

The existing access off the A4222 Cowbridge Road close to Rhydhalog Farm is to be improved by incorporating 10m radius kerbing with a carriageway width of 9.8m to facilitate the movement of large vehicles travelling to and from the site.

A revised swept path analysis (Drawing No. Figure 3.2 Rev. A) of a large car and 15m length luxury coach utilising the existing improved access has been produced to demonstrate tracked movements in and out of the site which is acceptable. However, the white hatch line markings to the left of the site access as shown on Drawing No. Figure 3.2 Rev. A is not required and therefore must be removed accordingly.

In terms of daily trip generation the supporting Transport Statement indicates that 290 daily trips (TRICS database) would be generated by the proposed development. This was calculated by using 18 hole golf course data.

The TRICS database has been subsequently re-run by the Council using 9-hole golf course and driving range (subsequently substituted by 9 hole mini-course) as per the proposed development. This has resulted in a total of 406 daily trips which is a significantly higher rate than that indicated in the Transport Statement. Subsequently, the impact of the development on the A4222 Cowbridge Road using the same base flows has been revised as follows:

Period	RCT New Trips Generated (TRICS) based on 9 hole golf course/driving range (20 booths)	Developer New Trips Generated (TRICS) based on 18 hole golf course
Daily	406	290

The Transport Statement assumes that there would be no new trips generated by the proposed new golf course and would be just a redistribution of trips from other golf courses in the area within a 10km drive of Pontyclun (4 in total). However, the Transportation Section is of the view that 30% of the total daily trips would be non-primary trips and the remaining 70% would be considered to be primary new trips of the total daily flow.

Therefore, the proposal would result in the creation of 284 new trips (406 x 0.7). The Transport Tariff rate for each daily net individual trip is £376 in accordance with The Council's SPG guidelines and, therefore, the Transport Tariff would be 284 new trips x £376 that equates to £106,859.

With regard to accident analysis, the Transport Statement states that a 5 year accident analysis of the A4222 Cowbridge Road in the vicinity of the site access has been undertaken that has recorded only 2 slight driver error casualties in 2010 where it is concluded that no further off-site works are required to mitigate against the impact of the development which is considered acceptable.

In terms of parking and circulation areas, on-site parking for 60 vehicles is proposed that is considered at an acceptable level of provision. Consideration must be given to the provision of coach parking together with appropriate turning facilities. There is adequate space within the curtilage of the site to be able to provide for such provision and is capable of being secured by condition in the event of planning permission being granted.

Turning to construction traffic issues, it is estimated by the applicant that the development of a golf course would result in the net importation of 305,000 cubic metres of materials in order to complete the development. In terms of timescales, it is anticipated by the developer that the site would be developed in phases on a hole by hole basis that would take up to four years to develop and complete. Based on an 8 hour period for deliveries outside peak periods, this equates to 8 to 9 trips (in and out movements) per hour on the local highway network.

The Highway Authority is concerned regarding the potential impact on the structural integrity of the local highway network in particular in the vicinity of the access off the A4222 Cowbridge Road where vehicle manoeuvring would result in excessive damage to the fabric of the highway. Therefore, a condition is suggested to ensure that a compensation arrangement is in place to mitigate against any damage caused by extraordinary traffic movement in the vicinity of the proposed access.

Taking all of the above transportation issues into account it is considered that the proposal is acceptable, or capable of being made so by the addition of conditions and transport tariff, in terms of its consequences for the highway safety.

Ecology and surface water drainage

The application site includes a 0.71 hectare of Site of Interest for Nature Conservation (SINC)155, therefore the requirements of Policy AW8 needs to be addressed which protects the natural heritage from potentially harmful development. SINC 155 Rhydhalog is a large area of diverse habitat which runs along the southern boundary of the County Borough. The SINC includes over 2 hectares of cattle grazed, species-rich marshy grassland inhabited by a number of flowering plant species and possibly Marsh Fritillary Butterfly. Although improved and partially drained this large area of grassland is still wet and its associated drainage ditches have associated reed floras and potentially significant invertebrate fauna. The SINC also includes areas of semi-natural woodland with oak, alder, ash, and hazel, and a network of species-rich hedgerows.

The applicant's ecological assessment concludes that the application site itself has little ecological value and the development does not directly impact of the SINC along the site boundary. Clearly the surface water drainage regime on the application site has potential to significantly affect the ecological value of the SINC if adequate measures are not in place to ensure no pollution enters the runs off and the quality and quantity of water reaching

the SINC from the golf course is safeguarded. The applicant has indicated that he has no objection to agreeing to a package of habitat management and mitigation measures that will safeguard the ecological value of land adjoining the development. These are matters that can be secured by conditions in the event of planning permission being approved. Likewise, surface water drainage conditions are capable being added to any grant of planning permission to safeguard water quantity and quality into water courses that flow into the SINC habitat. On this basis the Council's Ecologist and Land Reclamation and Engineering Section have offered no overriding concerns about the proposals.

Residential amenity

The application site lies outside the settlement boundary of Pontyclun and Talygarn therefore by definition does not lie sufficiently close proximity to residential properties to warrant any significant concerns over any direct affects on residential amenity. Nevertheless, there is residential property very close to the site access and the urban area of Talygarn is situated off Cowbridge Road to the north and west of the site. These properties may be affected indirectly from traffic generated by the development, especially during the groundwork phases when the impacts of construction traffic may well be prevalent, though much will depend on the routes taken to and from the site.

Given the significant set back off Cowbridge Road of residential properties at the southern end of Talygarn it is considered unlikely construction traffic will be of a sufficient frequency to be a source of nuisance and disturbance to residents should construction traffic travel in that direction. In any event, the days and times of construction and groundwork operations are capable of being controlled by a condition to ensure that it takes place only at sociable times of day and week.

There are no longer any amenity issues arising from floodlighting at the site as the previously proposed driving range has been deleted from the scheme.

OTHER ISSUES

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

Loss of agricultural land

The application site includes agricultural land that is classified as grade 3a, which is of a quality that is normally expected to be protected from development unless there are other overriding considerations. In this case the area of land is comparatively small and following consultation and discussion the Welsh Government's Agriculture Department has not expressed any concern over its potential loss to a golf course development.

Flood risk

The Land Reclamation and Engineering Section has highlighted that the application site lies within a flood risk area and a Flood Risk Assessment ought to be requested from the applicant. National Resources Wales (NRW) has confirmed that the majority of the site lies outside an identified flood risk area and only a small area of the site (the western and southern edges of holes 4 and 5 on the course layout plan) is located within the 1 in 100 year and 1 in 1000 year annual flood probability outlines. Whilst NRW does not require the submission of a Flood Consequences Assessment it does require floodplain compensation measures to be undertaken by the applicant if it is proposed to re-contour any land within the 1 in 1000 year fluvial outline. This is a matter capable of being dealt with by condition in the event of planning permission being granted.

Sterilisation of mineral resource

The application site lies in an area of a Limestone mineral resource which Policy AW 14 seeks to safeguard from development that risks sterilisation or hindrance of their abstraction. A golf course need not sterilise the mineral resource as is reasonably capable of reinstatement after mineral extraction.

Danger to people and animals from stray golf balls

This is an inherent hazard with any golf course and is not in itself a sound reason to refuse planning permission, as players normally take precautions and courses issue warnings where pedestrians may come into close contact with play.

Vandalism, disturbance and litter

These issues are seldom associated with golf courses which normally adhere to strict codes of conduct by players and spectators.

Need for and viability of the development

These are seldom material planning considerations for this kind of proposal and normally a commercial matter for the consideration of the applicant. The fact that other golf courses exist in the locality is not in itself a good reason to prohibit another from being developed in competition.

PLANNING OBLIGATIONS

Policy AW4 of the LDP states that planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities, infrastructure and related works, to make the proposed development acceptable in land use planning terms. In this regard the current proposal a transport tariff contribution of £106,859 is considered necessary for the reasons discussed earlier in this report. The tariff is considered relevant and directly related to the development, fairly and reasonably related to the scale of the development, and reasonable in all other respects, therefore meets the tests in the Planning Obligations Circular 13/97.

RECOMMENDATION

That Committee resolve to **APPROVE** the application subject to:

- The recommended **conditions** set out below in this report;
- The applicant (and any other interested parties) first entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a minimum package of **Planning Obligations contributions** comprising Transport Tariff financial contribution of £106,859 towards improving the strategic highway network.
- That the Service Director Planning be authorised to add, amend or vary any condition before the issuing of the planning permission, providing that such changes do not affect the nature of the development or permission;
- Dependant on Members' resolutions in respect of the above that the Service Director Planning be authorised to enter into further discussion with the applicant (and/or their agents/representatives) in order to negotiate further the level, scope, delivery and phasing of Planning Obligations contributions to be secured by the proposed development. On conclusion of these further discussions if the level of required mitigation provision (or financial contribution) identified above has not been agreed that a further report be brought back to a future meeting of this Committee confirming the outcome of those further negotiations

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 Section 92 of the Town and Country Planning Act 1990.

2. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

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

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

5. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. No development whatsoever shall commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and to include consideration of the impact of phasing of the development, installation of oil and petrol interceptors and impact upon existing watercourses, have been submitted to and approved by the Local Planning Authority, and the scheme shall be subsequently implemented in accordance with the approved details before each phase of the development is completed and/or brought into beneficial use.

Reason: To ensure adequate disposal of foul and surface water drainage and prevent pollution of a highly sensitive Principal aquifer, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or

underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tanks overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and highly sensitive Principal aquifer, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Details of any works to re-contour the land and raise any ground levels within the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Nant Rhydhalog shall be submitted to and approved before the commencement of development. The details to be submitted shall include floodplain compensation works that demonstrate an equal volume of floodplain created on a level for level basis to that taken up by the area filled, and shall calculations (that may be supported by a hydraulic model) that demonstrates this is achievable and that any filled area will not exacerbate flooding elsewhere for events up to and including the 0.1% (1 in 1000 year) extreme flood event.

Reason: In order to prevent the risk of flooding in accordance Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, the existing access onto the A4222 Cowbridge Road shall be improved in accordance with full engineering and design details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented in accordance with the approved details prior to works commencing on site unless otherwise agreed in writing with the Local Planning Authority.

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

10. Notwithstanding the submitted details, the vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x 40m vision splays.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No obstruction or planting when mature, exceeding 0.9m in height shall be placed within the required vision splay areas.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Notwithstanding the submitted details, access, parking and circulation for all

vehicles including coaches shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented with the approved details prior the development, or any phase thereof, being brought into beneficial use.

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

13. Notwithstanding the submitted details, the proposed access within the site curtilage shall be constructed in permanent materials for a distance of at least 15m from the public highway and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented in accordance with the approved details prior to the development, or any phase thereof, being brought into beneficial use.

Reason: In the interests of highway safety and to prevent surface water run-off from discharging onto the public highway, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of the A4222 Cowbridge Road affected by the proposed development 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, or any phase thereof, 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 unless otherwise agreed in writing.

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

15. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
- a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) wheel cleansing facilities,
 - e) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to

throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

16. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be carried out in accordance with the recommendations in Section 7 '*Summary and Conclusions*' of the report entitled '*Rhydhalog Farm, Talygarn, Pontyclun Ecological Assessment*' (Ecological Solutions Ltd 2010).

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. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to 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 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).
- d) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented 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.

18. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures

unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interests of safeguarding public and environmental health, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan. (There is potential for contamination to exist as Council records indicate there were a former lime kiln and a gravel pit on the site).

19. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 18) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

21. Construction works on the development shall not take place other than during the following times:

- (i) Monday to Friday 0800 to 1800 hours
- (ii) Saturday 0800 to 1300 hours
- (iii) Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.:

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 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

DEVELOPMENT CONTROL COMMITTEE

5 DECEMBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

OFFICER TO CONTACT

**APPLICATION NO: 11/1314 -
CHANGE OF USE TO FORM 9
HOLE ACADEMY GOLF COURSE
AND 9 HOLE PITCH AND PUTT
COURSE, TOGETHER WITH
WORKS TO FORM HOLES,
ACCESS, CAR PARKING AND
ANCILLARY LANDSCAPING
(AMENDED PLANS RECEIVED 30
AUGUST 2013 SUBSTITUTING
PREVIOUSLY PROPOSED FLOOD-
LIT DRIVING RANGE WITH PITCH-
AND-PUTT COURSE), LAND AT
RHYDHALOG FARM, COWBRIDGE
ROAD, TALYGARN**

**MR P BRISTOW
(Tel. No. 01443 494763)**

See Relevant Application File

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