

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
6 FEBRUARY 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.6
APPLICATIONS RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No. 13/0984 - Erection of a single wind turbine, with a maximum blade tip height of 77m, along with accompanying access track, crane hardstanding, substation, associated underground cabling and temporary construction compound, Farmhouse, Pen Yr Heol Farm, Cefn-Llechau Road, Stanleytown, Ferndale.
2. Application No. 13/1215 - First floor addition over existing coffee shop to provide 7 no. student bed-sits and 1 no. communal lounge and kitchen, Hoffi Coffi, Brook Street, Treforest, Pontypridd.
3. Application No. 13/1282 - Outline planning permission for 9 no. detached dwellings with off road parking, new road layout and associated works, Land adjoining No.15 (North West) of Trem Y Duffryn, Mountain Ash.

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APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 13/0984/10 (DB)
APPLICANT: g2 Energy Renewable Developments Limited
DEVELOPMENT: Erection of a single wind turbine, with a maximum blade tip height of 77m, along with accompanying access track, crane hardstanding, substation, associated underground cabling and temporary construction compound.
LOCATION: FARMHOUSE, PEN YR HEOL FARM, CEFN-LLECHAU ROAD, STANLEYTOWN, FERNDAL, CF43 3EY
DATE REGISTERED: 26/09/2013
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: Refuse

REASONS:

This proposal for a single wind turbine would not comply with the relevant policies of the Local Development Plan in respect of its impact on the existing landscape character of the area and visual amenity. There is also a lack of information with regard to the extent of works and its landscape and ecological implications for the improvements to the existing access track.

APPLICATION DETAILS

Full planning permission is sought for a single wind turbine on land at Pen Yr Heol Farm, Cefn Llechau Road, Stanleytown, Ferndale. It will have a maximum height of 77m above ground level, comprising of a hub height of 50m and a rotor diameter of 54m. The exact model of the wind turbine proposed is a EWT Direct Wind 54, 500 kW. The model has been chosen for the reason that it operates without the use of a gear box which improves reliability and reduces the noise levels.

The tower is steel and the three blades are reinforced polyester. The turbine would be finished in a light grey colour (RAL 7035) with a semi matt finish.

A hardcore crane standing would be required to construct the turbine and would measure 19m x 48m and remain for the life of the project.

A substation building measuring 4.49m x 6.7 x 3m high with a mono pitched roof would be located adjacent to the wind turbine to house the high voltage switchgear, transformer and metering equipment. It would be finished externally of concrete

block construction and finished in a grey colour with steel doors in holly green and on a slab foundation of 0.6m depth.

The turbine would be connected to the national grid by an underground cable, within a 600mm width route corridor which would run in a south westerly direction for 344m to an existing 11kv overhead line which is situated approximately 2.72km from Wattstown Primary Substation.

A new access track would be created across the field for a distance of 262m to a width of 4m and depth of 0.450m and constructed of granular material. The existing access track running in a south easterly direction to the public highway on Llanwonno Road , measuring approximately 1, 352m would be upgraded by either hardcore or a temporary roadway construction and widened to achieve a width of at least 3.5m.

The construction period for the whole development would be likely to occur over a period of 12 weeks, including the delivery of the turbine over 1-2 day period. Permission is sought for 25 years to allow 1 year for construction, an operational life of 23 years and 1 year for decommissioning during which all remnants of the turbine would be removed and the site restored to its former condition.

The maximum energy generation capacity of the wind turbine would be under 5MW, would be fed directly into the National Grid and provide sufficient energy to supply power to 220 homes.

The applicant includes a pledge to provide a community benefit to the local community, which would be secured by means of a Section 106 Agreement, but the amount has not been quantified.

The application is accompanied by supporting information including a noise assessment, shadow flicker assessment, ecology report, an archaeology and cultural heritage statement, a Landscape and Visual Assessment, Land Stability Assessment and a Transport Statement. The Communications and Aviation Statement advises that no objections have been received from several communication stakeholders.

SITE APPRAISAL

The site of the wind turbine and associated infrastructure is located in the open countryside outside the settlement boundary. It lies approximately 293m north east of the land owners property known as Pen Yr Heol Farmhouse, and approximately 0.7km east of Tylorstown and 1km north of Wattstown. There are no other residential properties situated within 0.5km of the turbine location. The building shown on the ordnance survey plan adjacent to Pen Yr Heol Farmhouse known as Cefn Llechau Uchaf is no longer rated as a residential property and does not appear to be occupied.

The turbine would be sited within an improved enclosed grazing pasture, at a height of approximately 324m A.O.D at Grid Reference 301836, 195236. It would be sited adjacent to the cone shaped “Old Smokey” tip which has a height of 425m AOD.

The natural landform of the ridge top to the east is around 400m AOD near the site falling from 470m AOD to the north to around 356m AOD to the south. The valley floor west of the site between Tylorstown and Stanleytown lies at approximately 180m AOD, below the steep valley sides.

The application site covers an area of 0.44ha and includes a hardcore crane standing, temporary construction compound, new access track and underground cabling.

The site and its environs lie within the Rhondda Landscape of Special Historic Interest.

The site of the wind turbine lies outside of the TAN 8 Annex D Strategic Search Area (SSA) F and further outside the SSA refinement study. It lies near to Zone 30, St Gwynno Forest on the ridge above which was considered as unacceptable for strategic scale wind farm development (above 25MW).

Within the Rhondda Cynon Taf Local Development Plan (LDP) the site is located within the countryside and within a sandstone resources safeguarding area.

A Public Right of Way (PROW) runs along the existing access road and other PROW's cross or join the access road along its route to the public highway on Llanwonno Road.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised by means of site notices and neighbourhood notification. No comments have been received as a result of this publicity.

CONSULTATION

Natural Resources Wales (NRW) - raises an objection due to the likely adverse impacts on the Rhondda Landscape of Special Historic Interest in Wales.

Glamorgan Gwent Archaeological Trust Ltd (GGAT) – raises no objection to the positive determination of the application.

Land Reclamation and Engineering – raises no objections and recommends drainage conditions.

Countryside Section – raises no objections subject to the clarification of environmental impact of the improvement works required to the existing access track and conditions. Advises that there are no SEWBREC records of statutory protected species from the immediate vicinity.

Public Health and Protection Division – raises no objections to the proposed development subject to the imposition of conditions which include noise limits at nearby residential properties, hours of construction, dust suppression and the disposal of waste.

Transportation Section – no highway objections are raised subject to conditions in respect of before and after surveys, an assessment of compensation for extraordinary use and a traffic management plan.

Vodafone – raises no objections.

POLICY CONTEXT

The application site is situated in the open countryside, outside Strategic Search Area F (SSA F) and within the Sandstone Resource Area (Policy AW14.2) as defined in the LDP.

The proposed access route lies within the St. Gwynno Forest Site of Importance for Nature Conservation (SINC 38) (Policy AW8.38) and the proposed route of the underground cable lies within the Old Smokey Slopes Site of Importance for Nature Conservation (SINC 65) (Policy AW8.65) as defined in the Rhondda Cynon Taf Local Development Plan.

The site is also located within the Rhondda Historic Landscape as registered by Cadw.

Policy AW7 seeks to protect sites of historic merit.

Policy AW8 seeks to protect SINC's, and features of the natural environment from inappropriate development.

Policy AW12 supports development proposals which promote the provision of renewable energy where it can be demonstrated there is no unacceptable effects.

Policy AW14.2 safeguards resources of sandstone from development which would unnecessarily sterilise them 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's (TAN) 5 (Nature Conservation and Planning) and 8 (Planning for Renewable Energy). The site is located outside of TAN 8 Strategic Search Area F, but any wind farm development of up to 25 MW is not required to lie within the SSA F boundary but needs to ensure that it would not constrain the generating capacity of the refined strategic search area. TAN 11: Noise 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, impact on the landscape character of the area and the impact on visual amenity.

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.

TAN8 states in Para 8.4 of Annex D that within (and immediately adjacent to) the SSA's, the implicit objective is to accept landscape change i.e. significant change in the landscape character from wind turbine development. The proposal lies 1km from the boundary of SSA F, which lies to the north of the Llanwonno Road. Para 8.6 of

Annex D states that at the local level more detailed assessment can be established. In this context the site is further distant from the refined SSA boundary as identified in the Arup Annex D. It is therefore considered that the site does not lie immediately adjacent to the SSA. In any event, the proposed development is a small scale turbine as defined by Tan 8.

The application involves a wind turbine of 0.5MW and is therefore classed as a small scale turbine in policy terms, being a “sub local authority” scale of development, at under 5MW within PPW. This scale of development is not required, within PPW, nor TAN 8 to be sited within the boundary of SSA F and is considered applicable in all parts of Wales and should be encouraged subject to local criteria.

Policy AW 12 of the LDP permits such small scale wind turbines subject to a number of criteria against which such proposals will be evaluated.

There is therefore no objection in principle to the proposed wind turbine.

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

It is the landscape and visual effects of the proposed turbine which are considered to be the main factors that need closest scrutiny. It was for this reason that a chartered landscape architect, Simon White (White Consultants) was commissioned to review the Landscape and Visual Assessment (LVIA) submitted to accompany the proposed scheme.

The LVIA summary of landscape effects states that the proposed single turbine would cause a medium adverse change to the form of the valley, increasing the vertical elements in the aspect area and resulting in an adverse effect of moderate significance. In terms of the effects on the relevant LANDMAP aspects, the geological landscape aspect would undergo an adverse effect of moderate significance while all the others would undergo adverse effects of minor significance. Construction effects are considered to undergo a moderate adverse significance but short term.

Overall the LVIA considers that the turbine would extend the “wind farm sub-character type that has been created by the existing turbines on the adjacent ridgeline”, by the large turbines of Penrhys.

The LVIA states that the turbine is located within the same character type as many other existing and proposed turbines and would increase the visibility of turbines in this upland character type and is regarded as a small adverse change.

The Zone of Theoretical Visibility indicates that the majority of the turbine’s visibility would be available from upland areas between north, west and south of the site and up to 10km from some areas. Five representative viewpoints are assessed in the

LVIA. Two of these are stated to undergo effects of major significance, from the Public Right of Way to the south (Viewpoint 1) and the public viewpoint and picnic site to the north (Viewpoint 3), where the assessment recognises that the turbine would form a visually prominent element with the blades breaking the sky line, but Old Smokey” would still be the highest point in the view. Viewpoint 2 to the west along the B4512 Penrhys Road, is stated as a moderate significance of effect mainly because the receptors are classified as road users with a medium sensitivity. The summary of visual effects identifies that the turbine would form a visible element on the upper eastern valley slopes of the Rhondda Fach. The Assessment identifies that for close range views from high sensitive receptors such as users of the public rights of way and for some residential properties on the western slopes there would be a major adverse effect.

Cumulatively, at Viewpoint 1 the turbine is stated to have a relationship with the larger turbines on the other side of the valley resulting in a moderate adverse cumulative effect. The turbine would add to the level of clutter in views over the uplands in relationship to the Pant Y Wal turbines but the effect would be negligible resulting in a minor adverse cumulative effect. From Viewpoint 3 the turbine would appear in a separate field of view from Ferndale and therefore it is stated it would not cause a significant cumulative effect. At other assessed viewpoints the cumulative impacts are stated as less apparent.

In consideration of the landscape impact of the proposed turbine, it is considered that the turbine would form an awkward juxtaposition with the distinctive landform of “Old Smokey” and the adjacent ridge. It is considered that it would detract from this prominent and well known landscape feature. It is considered that “Old Smokey” has cultural significance which represents the industrial past use of the South Wales coalfield valleys and which is located within the Rhondda Landscape of Special Historic Interest. It is considered that it would therefore form a significant adverse effect on the local landscape character, which the submitted LVIA does not recognise.

The viewpoints within the LVIA do not take into account the residents who live adjacent to Penrhys Road who would be high sensitivity receptors and would also undergo a major significance of effect. The viewpoints that have been chosen do not include residents in Tylorstown who would have clear views across the valley towards the turbine and would have similar if not a higher level of significance of effects. Residents in Stanleytown may also undergo effects viewing the turbine on the hillside from the rear of their properties. It is considered that views may also be possible from the Shrine of Our Lady, Penrhys.

The LVIA considers that the Rhondda Fach is already significantly modified through the historic extraction activities and that the Old Smokey tip and coniferous plantations are significant detracting characteristics in the existing landscape. The proposed turbine is acknowledged as a large recognisable element or a new prominent point feature and is described as “the latest addition to the man-modified

landscape for financial gain.” However, the distinctiveness of the tip shape or its significance as a relatively rare landscape feature expressing the dominant past use of the valleys, is not explored. The close juxtaposition of the cone shaped tip and the turbine is not discussed.

The proposed wind turbine would be located on a ridge on the east side of the Rhondda Fach compared to the existing wind turbine development which lies to the west and north of the site. The wind turbine would extend the spread of turbine development from one side of the valley to an adjacent ridge which would increase the feeling of surrounding and is considered an undesirable precedent. The turbine would extend the overall field of view in which other turbines are visible and would bring a turbine onto a ridge without any existing turbines, which is considered a significant effect. Whilst the development is not a strategic scale it does lie outside SSAF and adjacent to the ridgeline which was considered an unacceptable location for large scale wind farm development in the Arup refinement study, (Zone 30).

It is considered that the main visual effects would be on users of the viewpoint and picnic area to the north and PROW users to the south, the impact on residents in the Rhondda Fach valley and environs and the impact on visitors who intend to enjoy the view from the top of Old Smokey.

It is considered that the LVIA cannot be fully relied on to arrive at a planning balance. The LVIA uses a 25km study area which is considered too large for the size of turbine particularly as the LVIA acknowledges that the main effects are within 2km and use is made of 1:200,00 scale plans. There should have been a 5-6km detailed study area and the focussing in of the most significant effects, as encouraged by the NRW Guidance No.3. The wire line and photomontages are near the minimum acceptable in the Guidance which tend to minimise the effects of the turbine in reality. The cumulative assessment ignores the potential for cumulative effects in successive views and the cumulative assessment is based on additional effect not the combined cumulative effect, which is considered highly relevant in this case. The viewpoints are limited and do not reflect effects on residents and Old Smokey is regarded only as a detractor in the landscape.

It is accepted that the works associated with the turbine – including the hard standing and access track would have a direct effect on the site and surrounding fields, but these small scale works would not be widely visible, due to the existing surrounding landform.

Overall, it is considered that the proposed single 77m turbine would appear as a prominent feature on the local skyline, in an awkward close juxtaposition of the existing distinctive landform of the cone shaped tip of “Old Smokey” and would detract from this prominent and well known feature and significantly adversely affect the local landscape character. Cumulatively, it would appear as a prominent, isolated feature which would extend the overall field of view in which other turbines to the west and north at Pant Y Wal and Penrhys are visible. It would appear incongruous

and introduce a turbine onto the eastern side of the Rhondda Fach Valley on a ridge without any turbines which is considered a significant effect. It is therefore concluded that in terms of landscape and residential visual amenity, the proposed wind turbine would be contrary to the provisions of Policies AW5 and AW12 of the LDP and Para 12.10.1 of Planning Policy Wales.

Ecology/agricultural land quality

An ecological assessment accompanies the application. The assessment shows that the area of the turbine location is an upland area of grassland with no hedgerows and few trees. No protected species have been recorded and are unlikely to be using the habitats. The bird survey work has shown a rich abundance of birds with good numbers of skylark and whinchat.

The Council's Ecologist has reviewed the assessment. He advises that whilst the wider area is of high biodiversity interest, the actual site of the turbine and the proposed new access track would predominantly affect relatively species poor grassland. Having visited the site he is content that the works would have low ecological habitat impacts and that there is a relatively low risk that the erection of the single turbine would have a significant impact on the local bird population. However, the assessment does not appear to have quantified the ecological and environmental impacts of the upgrading works required to the existing access track from the unclassified Llanwonno Road, nor the impact of constructing the underground cable which appears to stray into the adjacent field to the north which is designated as SINC.

In the event of a favourable resolution of the proposed development the likely impacts of the access upgrading works should be quantified as well as the precise route for the underground cable and the imposition of conditions in order to secure a wildlife protection and landscape mitigation in order to reduce impacts to a minimum.

In terms of agricultural land quality, the wind turbine and associated works and assess would involve a small piece of land within the applicants land holding on land which appears to be within Grade 4 or 5 of the agricultural classification maps, but which is not presently formally used for agriculture.

The land is shown to be of low ecological sensitivity, and the Council's Ecologist has confirmed that he is not aware of any ecological constraints in respect of the proposed development, subject to the clarification of the impacts associated with the access upgrading and cable laying works. It is therefore considered that there would be no ecological or agricultural constraint to the development, subject to the clarification of the foregoing measures and the imposition of appropriate conditions.

Highway Safety and PROW matters

The Transport Statement states that the existing public access to Pen Yr Heol Farmhouse from Stanleytown would be used for the small number of site personnel and for the routine maintenance and servicing of the turbine at 6 monthly intervals, with direct access to the site of the turbine and associated apparatus to be provided by the construction of the new access.

The optimum route for the abnormal loads and heavy goods vehicles associated with the proposed development has been assessed to be the existing private track which runs in an easterly direction from the site to reach the unclassified Llanwonno Road. This track is proposed to be upgraded achieve a width of 3.5m with the use of compacted aggregate.

The construction of the wind turbine would require the use of abnormal loads to transport the tower anchor, the tower sections, the generator, the nacelle, hub, three turbine blades, a 90 tonne and a 300 tonne mobile crane and the use of hgv loads of building materials and plant and equipment. It is anticipated that a maximum of 20 vehicles would access the site in any one day over the construction period.

The abnormal load route is anticipated to be via the M4, A470, Rhondda Road, Graigwen Road and then Llanwonno Road. The Transport Statement provides a description of this proposed access route and the types, frequency and volume of traffic required for the construction phase. A desk top study of the proposed access route, including a swept path analysis, has been undertaken for the longest and widest components of the abnormal loads to be transported. The study indicates that the proposed access route can accommodate the transportation of the turbine and components subject to a number of mitigation measures, to ensure safe and satisfactory access. Vegetation trimming of overhanging trees, and temporary physical enabling works (including passing bays and removal of street furniture and telegraph poles) may be required on a number of bends and along parts of the unclassified road leading to Llanwonno, where the deliveries would over-run the carriageway. A number of traffic management proposals would also be required, to include travelling in an anti clockwise direction at the intersection between the A4058 and the A4233 and the closure of both carriageway lanes and temporary road closures along Graigwen Road.

It is proposed that the abnormal load vehicles would comply with a Construction Traffic Management Plan, in which the traffic route would be agreed between relevant authorities with the use of a police escort. Where possible transportation would occur during off-peak hours to ensure the safety and minimal disruption to other road users.

The Council's Transportation Section has assessed the Transport Statement. There are a number of areas of concern regarding the potential for adverse impact of the abnormal deliveries through both built up areas along the route and the narrow unclassified road to the site which would result in excessive maintenance liability to the Highway Authority. However, in view of the short duration, limited use of vehicles

required during the delivery periods and limited construction period, no highway objections are raised subject to a number of conditions. The recommended conditions would secure a Traffic Management Plan, (including a trial run) a condition survey of the local roads leading to the site and a restriction of the hours of deliveries to not take place between the hours of 0700-0900 and 1600-1800 weekdays .

It is therefore considered that subject to a legal agreement in respect of before and after surveys and an assessment of compensation for extraordinary use and the imposition of appropriate conditions, as recommended by the Council's Transportation Section, the proposed development of the wind turbine is not anticipated to have an adverse impact on the local highway network and highway safety.

The use of the existing private access track would correspond with a length of Public Right of Way known as PROW TYL/17/1 and the proposed access track would also cross PROW TYL/11/1. There is therefore potential for the proposed development to have an impact on public safety and the ability of the public to continue to enjoy using these public footpaths, during the development but especially during the construction period. Further information concerning the health and safety precautions which will be carried out for each stage of the development, would be required to be required by means of a condition, were permission to be forthcoming. Should there be any risk to users of any PROW, then the applicant would need to apply to the Council for a temporary closure order. It is therefore considered that any impact on the PROW's can be dealt with by means of a condition or temporary closure order.

Impact on residential amenity

The impacts on adjacent residential uses as a result of noise and visual disturbance due to shadow flicker/reflected light also needs to be considered. The applicant has submitted a noise assessment which has assessed the potential noise impact of the proposed turbine, based on the noise emission data produced by the manufacturer of the proposed wind turbine. This includes a prediction of the noise level at the nearest residential properties to the site, based on a wind speed of between 5 and 10m/s and is a worst case scenario as no account is taken of any acoustic screening that may exist by intervening structures or topography. The nearest residential properties are located at a distance of 288m (land owners – Pen Yr Heol) and 510m (Upper Terrace, Stanleytown). The predicted noise levels demonstrate that the combined effects of the wind turbine should not exceed 31 - 33 dB LA90, 10 min at Upper Terrace and 36 – 38 dB LA90, 10 min at Pen Yr Heol.

The Assessment and Rating of Noise from Wind Farms (The ETSU Report 1997) referred to in TAN8 provides indicative noise levels which would provide a reasonable degree of protection to wind farm neighbours. The ETSU Report

recommends that predicted noise levels should not exceed 35 dB LA90, 10 min for non-stakeholder dwellings and 45 dB LA90, 10 min for stakeholder dwellings.

In terms of noise from construction and decommissioning activities the Assessment considers that given the small scale and short term period involved together with restricted hours of working there should not be adverse disturbance to sensitive receptors.

In respect of cumulative noise, it is considered that in view of the distance to the existing wind turbines in the area, there would be no cumulative noise impact to local residences as a result of the proposed wind turbine.

The Noise Assessment concludes therefore that the proposed wind turbine would result in insignificant noise impact on residential amenity.

A Shadow Light Flicker report has also been undertaken for the proposed wind turbine. The report states 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 report states that the rotor diameter of the wind turbine is 54m indicating that shadow flicker could potentially be an issue for any residential property within 540m. There is one residential property within the potential zone of influence for up to 5 or 6 hours per year, as a worse case scenario. This is considered acceptable in view of the guideline recommended maximum for sensitive receptors of no more than 30 hours per year.

The construction phase of the development also has the potential to have an impact on the amenities of local residents. However the construction activities are of short term duration and conditions could be imposed in order to control the hours of operation.

The Council's Public Health and Protection Division has raised no objection to the proposed turbine as the assessment work demonstrates that it is capable of complying with the relevant guidance. A number of conditions are recommended to cover noise limits at the nearest residential properties and a monitoring system. Further, in respect of construction activities, conditions are recommended to cover hours of operation and the minimisation of dust. It is therefore considered that, subject to the imposition of appropriate conditions, the turbine is not likely to cause undue noise and disturbance to the nearest residential properties and would comply with Policies AW5 and AW12 of the LDP.

Impact on the water environment and ground stability

A Preliminary Risk Assessment accompanies the application. It indicates that whilst the site is in the likely zone of influence from underground coal mining at significant

depth below the site, with the last working in 1960 all ground movements associated with these workings should have ceased. The solid geology of the site is sandstone with no significant risks of shallow ground instability. The site is unlikely to be contaminated due to past uses and necessary precautions would be taken during the construction phase to prevent accidental releases of liquids.

In terms of the water environment the site is not in an area at risk of flooding and there are no open water courses within the application site, although there are a number of drains and small streams within the vicinity of the site. It is not anticipated that the construction of the access track and crane hard standing would result in a significant increase in surface water run off.

The Council's Drainage Officer has raised no objections to the proposed development subject to the imposition of a number of drainage conditions including the need for a hydrological impact assessment to secure details of measures to prevent flood risk and surface water drainage matters. It is therefore considered the proposal would not conflict with the purpose of LDP policy AW8.

Archaeological Resource

The Archaeological and Cultural Heritage Statement indicates that there are no previously recorded sites within the proposed development area. However, medieval and post medieval settlement is present in the vicinity as demonstrated by the presence of Pen Yr Heol Farm and the neighbouring Cefn-Llechau Uchaf, and the proposed development would lie within the Rhondda Landscape of Special Historic Interest and the Historic Landscape Character Area of Rhondda Fach:Eastern Enclosed Valley Sides (HLCA 023). However, as the proposed development works are unlikely to encounter significant archaeological remains, GGAT have raised no objection to the positive determination of this application. It has been assessed that whilst there would be a moderate adverse impact on the local HLCA there would overall be a slight adverse impact on the Rhondda Landscape of Special Historic Interest. However, NRW have advised that the applicant's assessment is limited in its extent and under represents the impact on the Rhondda HLA. NRW consider that the turbine would dominate views from several settlements in the Rhondda Fach where currently there are no turbines visible. Further afield, the cumulative impacts would cause the already developed wind farm landscape to the west to extend into a significant proportion of The Rhondda HLA, also devoid of wind turbines, as evidenced by view point 3. It is therefore considered that the proposed development would be likely to cause an adverse impact to the historic environment and therefore conflicts with the purposes of LDP policy AW7.

Sandstone Resource

The access to the site is located within a Sandstone Resource area, which is safeguarded from development which would unnecessarily sterilise or hinder its extraction by Policy AW14.2 of the LDP. However, given the abundance of the

Sandstone resource in Rhondda Cynon Taf, the very limited footprint of the turbine, and its temporary nature, it is considered the proposal would not conflict with the purpose of the LDP Policy. In addition, the poor access to the site and the nearness of residential properties would be likely to prevent any such future extraction, in any event.

Economic and Environmental Benefits

PPW and the LDP require the economic considerations of the proposed wind turbine to be considered. As the proposal involves a small scale renewable energy development, the application is required by Policy AW12 of the LDP to demonstrate that the proposal would not constrain the generating capacity of the refined strategic search area for large scale wind farm developments. As the development involves a single small wind turbine it is considered that it would not affect any future development of a large scale wind turbine within SSAF.

All energy generation would be directly connected to the National Grid and it is anticipated that it would provide sufficient power to supply around 220 homes. It would therefore 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 in an underground cable to an existing 11kv overhead line and then onto the Wattstown Primary Substation.

The applicant has offered a community benefit fund but this is not quantified at present. However, it is considered that such a community benefit would not be justified as mitigation of the impacts of the development, as it is considered that the proposal is unacceptable in planning terms.

Procedural Matters

In the event of a favourable resolution, the proposed development would need to ensure that the existing private track to Llanwonno Road is included within the planning application boundary, as it appears to lie outside the applicants' control

Conclusion

It is considered that having regard to all the matters raised above, it is recommended that the application be refused for the reasons recommended below. It is considered that the effects on the landscape and visual amenity of the single wind turbine outweigh the benefits of this small renewable energy development.

RECOMMENDATION: Refuse

1. The proposed single turbine would be contrary to the provisions of Policies AW5, AW6, AW7 and AW12 of the Rhondda Cynon Taf County Borough Council Local Development Plan and Paragraph 12.10.1 of Planning Policy

Wales in that being a significant, isolated element in the landscape, forming an awkward juxtaposition with the distinctive landform of the existing tip known locally as "Old Smokey", extending wind energy development to the south and east of existing wind turbines, it would significantly adversely effect the local skyline, and cause considerable harm to the LANDMAP historic landscape character area of Rhondda Fach and have an unacceptable detrimental effect upon the existing character and appearance of the area. It is also considered that the Landscape and Visual Assessment accompanying the application cannot be relied on to provide a reliable landscape and visual assessment of the proposed wind turbine in that it appears to underplay the sensitivity of receptors, the magnitude of change and the significance of effects, does not properly address cumulative issues and does not address key viewpoints, especially from Tylorstown nor addresses significant effects within a detailed study area.

2. The proposed single turbine would be contrary to the provisions of policies AW5, AW6 and AW12 of the Rhondda Cynon Taf County Borough Council Local Development Plan and Paragraph 12.10.1 of Planning Policy Wales in that it is considered that the siting and height of the wind turbine would appear as a prominent, isolated feature which would appear incongruous and adversely affect the local skyline and extend the influence of turbines within the area, and therefore would unacceptably harm the visual amenities of the local residents especially those within the northern end of the Rhondda Fach, in particular Ferndale, Tylorstown, Stanleytown and Penrhys and users of the adjacent public footpaths and public open spaces.

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APPLICATION NO:	13/1215/10	(EL)
APPLICANT:	Hoffi Coffe Ltd	
DEVELOPMENT:	First floor addition over existing coffee shop to provide 7 no. student bed-sits and 1 no. communal lounge and kitchen.	
LOCATION:	HOFFI COFFI, BROOK STREET, TREFOREST, PONTYPRIDD, CF37 1TW	
DATE REGISTERED:	26/11/2013	
ELECTORAL DIVISION:	Treforest	

RECOMMENDATION: Refuse

REASONS:

The proposal is for a first floor extension over the existing coffee shop and is considered excessively large and poorly designed. Consequently, the

extension amounts to over development of the site that is out of keeping with the character and appearance of the surroundings and hence unacceptable. Furthermore, the development would adversely impact upon highway safety in the vicinity of the site.

APPLICATION DETAILS

Full planning permission is sought for the construction of a first floor addition over an existing coffee shop to provide 7 no. student bedsits.

The existing coffee shop is a single storey building that is situated at the eastern end of Brook Street, Treforest. The proposal involves the removal of the existing roof construction and the raising of the ridge and eave line of the property to create a first floor level. However, the footprint of the first floor accommodation would be wider than that of the existing ground floor, resulting in an overhang to the front and rear elevations. The property currently benefits from a single storey gable projection to the front elevation. The submission proposes that this also be increased in height to two-storeys (with a maximum height of 5.5 metres). The newly created first floor would extend to 16.3 metres in length and 13.5 metres to its deepest point, narrowing to 8.5 metres. The newly formed ridge line would extend to 6.7 metres, with an eave line of 4.2 metres. An external spiral escape stair would be positioned to the eastern elevation of the building.

The proposal also involves the formation of a further single storey extension to the front of the property, which would accommodate the stairway and means of access to the first floor level. This would have a mono pitch roof construction, extending to the newly created eave line of the property.

Internally, it is proposed that 7 no. bedsit units be created, each of which would be served by a private bathroom. The 7 no. units would share a communal kitchen and lounge room.

Externally, the proposed site layout illustrates 4 no. staff car parking bays, 1 no. disabled parking bay, in addition to a delivery bay.

SITE APPRAISAL

The application site consists of an established coffee shop, situated on a parcel of land at the eastern end of Brook Street, Treforest. The site, which tapers at its eastern end extends to an area of approximately 350m². The building is located broadly within the centre of the plot, with a small curtilage to the front, side (east) and rear. The existing building is a single storey ridge roof construction, which has previously been extended by the construction of additions to the front and side elevations. To the north, the site fronts Brook Street, with a mini-roundabout that serves the train station and New Park Terrace, to the east of the site. To the rear

(south) the plot is bounded by an access lane that serves the rear of the properties on Brook Street. This lane also provides access to a parking area that is located at the rear of the property. Properties along Brook Street and New Park Terrace are predominantly residential in character; however the University of South Wales is situated to the south west of the site.

PLANNING HISTORY

13/0156	First floor extension over existing coffee shop to provide 7. No student bed-sits	Withdrawn
12/0401	Retention of letting agency use to part of the premises.	Refused 05/11/12 Allowed on Appeal 06/08/13
08/1001	Change of use to Coffee Shop and extensions (part retrospective).	Granted with conditions 23/09/08
08/0409	Extension to provide additional seating area for cafe (Use Class A3)	Withdrawn 17/03/09
06/2309	Extension and change of use from vacant bungalow to coffee shop. (Re-submission)	Refused 19/02/07 Allowed on Appeal 20/08/07
06/1578	Glazed extension and change of use to coffee shop.	Refused 28/11/06
04/1473	Proposed retail unit - convenience shop selling milk/bread/sweets etc. A1.	Refused 21/09/04
97/2093	Proposed addition of a first floor, porch and attached garage.	Granted with conditions 14/04/97

PUBLICITY

The application was advertised by direct neighbour notification and site notices. A petition signed by 54 residents has been received which is summarised as follows:

- Objections to the proposal are raised.
- The development will create serious traffic and parking problems at a location that is very busy and dangerous to pedestrians.
- It is commented that Treforest already has too many student lets, which have taken over family and affordable housing and damaged the social fabric of the village.
- It is commented that the Local Development Plan promotes the provision of family and affordable housing in balanced and sustainable communities.

A further letter of objection has also been received from Treforest Residents Association. This is summarised as follows:

- It is noted that there are parking restrictions in the vicinity of the site and that visibility is also poor.
- It is commented that vehicles servicing the premises are often parked outside on the pavement or the double yellow lines.
- Concern is expressed that there are no car parking facilities for the proposed development.
- It is commented Brook Street is a bus route and also forms part of the main access route to and from the fire station.
- It is commented that the parking situation is already regarded as dangerous by residents.
- It is commented that Brook Street is the main walkway for students going to and from the station and university. It is also noted that this is a route used by children attending school and residents travelling toward Park Street and the station. It is imperative that this route is safe.
- Reference is made to policy guidance within Planning Policy Wales.
- It is commented that Treforest is overwhelmed with student accommodation and a transient student population. As such, much family and affordable housing has been lost. This has adversely impacted upon the character, amenity and social structure of the community.
- The need to create balanced, sustainable, inclusive and mixed communities is referenced.

CONSULTATION

Transportation Section –objections raised on the basis that:

The proposed development would result in indiscriminate on-street parking including delivery vehicles taking place close to a nearby road junction that would create hazards to the detriment of highway safety and free flow of traffic.

Public Health & Protection – no objections raised.

Land Reclamation and Drainage – no objections raised, conditions recommended.

Dwr Cymru – no objections raised, however it is noted that the site is crossed by a sewer.

Natural Resources Wales – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within settlement limits of Treforest.

Policy AW2 promotes development in sustainable locations.

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

Policy AW6 sets out the criteria for new development in terms of design and place-making. **Policy SSA 13** sets out the criteria for development within settlement boundaries

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), and Chapter 8 (Transport), set out the Welsh Government's policy on planning issues relevant to the determination of the 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 development

The application proposes a series of extensions and adaptations to the building, in order to create a first floor level at the property. The newly created floor, would then accommodate 7 no. bedsits, with an associated communal living space and means of access.

The site is located within settlement limits and within an area that is characterised by residential development. As such, the development of the site for residential purposes may be considered compatible with neighbouring land uses. However, in assessing the proposal it is necessary to assess the following key considerations:

- The impact upon the character and appearance of the site and its setting.
- The impact of the proposal upon highway safety.
- The impact upon the levels of amenity enjoyed by neighbouring residents.

Character and Appearance

Whilst the full planning history is set out above, it may be helpful to briefly summarise the history of the site and building. The building was originally known as 'Brookdale bungalow', being a modest residential dwelling. Planning permission was initially granted (on appeal) in 2006 for the extension of the building and its change of use from dwelling to coffee shop; with a further application being approved in 2008 for the construction of additional extensions to the building. Most recently in 2012, permission was approved for the introduction of an additional use at the site, with a proportion of the ground floor operating as a letting agency. Therefore, at present the site supports two uses and the building has been extended to a point where it (in association with the required parking areas) occupies the majority of the plot.

As a result, there is little or no scope to further enlarge the building at ground floor level; therefore the current submission seeks to provide additional accommodation by the introduction of a first floor level to the property. Whilst it is acknowledged that the property is located in an area, which is characterised by two storey buildings, concern is raised with regard to the scale and appearance of the scheme that is currently proposed. With a view to maximising the potential floor space at first floor, the extension would extend over the whole of the original building and later extensions. Furthermore, it would have a greater depth than that of the existing ground floor footprint, resulting in an overhang of the newly created first floor level. It appears that the scale and appearance of the scheme is driven by the desire to create 7 no. bedsit units within the plot. Some concern is expressed that this number of units on the site represents over-development and would place significant pressure on the plot, in trying to accommodate all elements of the proposal. This is demonstrated by the fact that, in addition to the first floor extension, a further single storey addition (which would extend to eave height) would be required to the front elevation of the property to accommodate the access staircase. In addition to this, a secondary external means of escape (spiral staircase) would be required to the eastern elevation of the building. It is also important to note that no formal outdoor amenity space would be available to the future occupiers of the bedsits and a result of the limited size of the plot, there is no space to accommodate facilities such as bin stores or bike stores externally.

It is acknowledged that some attempts have been made to reduce the overall scale of the extension, following the withdrawal of an earlier planning application

(13/0156). However, it is not considered that the modifications fully respond to the areas of concern. Having assessed the proposal, the Council's Urban design officer has expressed concern with regard to the overall appearance of the development and its resulting impact in the streetscene. It is considered that the combination of the existing and proposed additions lack a visual cohesion, with the scale and prominence of the first floor addition being heightened by the fact it would overhang the ground floor. Further concern is expressed with regard to the lack of fenestration. In an attempt to reduce the height of the building, the wall plate at first floor level has also been reduced; this means that it is no longer possible to provide any windows at first floor level. In addition to the visual impacts of this, the result is that all of the 7 no. bedsits and associated communal kitchen would be served only by roof lights, with future residents having no outlook. Further concern is expressed with regard to the visual impact of the secondary means of escape stair that would be mounted externally to the eastern elevation of the building. As set out above, the building occupies a prominent position close to the junction of a number of roads; therefore, any modifications to the building would be visually prominent from a number of view points.

Overall, it is considered that the combined scale, proportions and appearance of the proposed extensions would fail to respect that of the existing host building and the character of the site's immediate setting. As such, it is considered that the proposal would result in the formation a development that would be overly prominent and harmful to the appearance of the immediate area and therefore contrary to the requirements of national and local policies, in particular AW 5 and AW 6, which seek to ensure that development proposals are, amongst other things, appropriate to the local context.

Highway Safety

In order to assess the impact of the proposed development upon highway safety, consultation has been undertaken with the Council's Transportation Section. In terms of the site's location, their response acknowledges that the property is located in a largely residential area of Treforest, is close to the University and is also within walking distance of a variety of local businesses and good transport links. However, it is also noted that Brook Street is subject to parking restrictions, and where provided, on-street parking is restricted via resident permit parking and short stay parking for up to 2 hours.

It is noted that the principle means of access to the proposed bed-sits would be directly off Brook Street via a new first floor entrance. Their assessment expresses some concern that any deliveries generated by future occupiers of the proposed development, such as internet shopping for example, may result in indiscriminate parking taking place at this location. This would be in close proximity to the nearby roundabout on a road bend where traffic management is in place that prohibits parking at all times. This potential for indiscriminate, albeit short-term parking, raises some cause for concern in terms of highway safety and free flow of traffic.

Further concern has also been expressed with regard to the parking layout that is illustrated as part of the submission. The application is accompanied by a layout plan (Drawing No. ST/887/12) which illustrates the provision of 5 on-site parking spaces and a delivery bay, to the rear of the property, that would be served off the rear lane. However concern is expressed that this arrangement would remove the operational parking space for a delivery vehicle, together with its associated turning facility; an arrangement which was required by condition as part of the earlier applications for the change of use of the premises as a coffee shop and letting agency.

It is considered that the removal of this facility may result in deliveries (to the coffee shop) taking place indiscriminately on-street close to the nearby road junction, which would be to the detriment of highway safety and free flow of traffic. This situation would be exacerbated by deliveries to the occupants of the bed-sits taking place outside the entrance to the first floor on Brook Street.

In assessing the proposal, it is also necessary to have regard to the impact of the development upon parking provision within the curtilage of the site. It is considered that by introducing 7 no. bed-sit units of accommodation, this increases the potential need for off-street parking. In accordance with the guidelines set out in the Council's Supplementary Planning Guidance, the proposal would require up to a maximum of 3 on-site parking spaces to be provided at the site. However, as described in the preceding paragraphs, site constraints mean that there is no scope to make this provision within the curtilage of the site.

It is acknowledged that the application refers to the accommodation as 'student bedsits', with an assumption that in general students are less likely to own their own cars, and therefore would rely upon public transport. However, it is not possible to control the future occupiers of the proposed units, or be certain whether they may or may not own a car.

The comments of the Transportation Section suggest that it may be possible to use a legal agreement to restrict future occupiers of the bed-sits from using and/ or owning vehicles whilst resident at the property. However, some concern is expressed with regard to the enforceability such an agreement.

Amenity

Finally, consideration must be given to the potential impacts of the development upon the levels of amenity currently enjoyed by neighbouring residents. As noted above, the application property sits at the eastern end of an established residential terrace; as such, it is necessary to consider the potential impacts of the development upon the amenity and privacy of the closest residents at 1 Brook Street. The property is set back from the building line established by the neighbouring terrace; however at present any impacts are limited by the fact that the building is a single

storey construction, with the highest part of the roof construction being off-set from the boundary with no.1 Brook Street by a modest store building, measuring 2.5 metres in width. The current proposal would increase the overall height and bulk of the building of the building, particularly in close proximity to the neighbouring dwelling. It is proposed that the newly created first floor would extend over the whole of the building, including the existing modest store building which currently separates the two buildings. As the application property is set back within the plot, some concern is expressed that this increase in scale and mass so close to the neighbouring dwelling may have the potential to result in a degree of overshadowing to rear elevation of the property. However, it is noted that consideration must also be given to the orientation of the properties, the rear elevations of which are south facing. Therefore, on balance, whilst some impact may result, it is not considered that this alone, would be so great as to represent a reason for the refusal of the application.

Conclusions

To conclude, whilst the site is located within an established residential area and lies close to the University of South Wales, significant concerns remain with regard to the current scheme presented. It is considered that the proposal to create 7 no. independent bedsit units represents the over-development of this relatively modest plot. It is considered that this is apparent by the scale and appearance of the proposed extensions that are necessary in order to provide the desired level of accommodation. The result is a building, which fails to respect or reflect the character of either the original construction or the wider street scene. Furthermore, objections have also been raised by the Council's Transportation Section, with respect to the proposed parking layout and the resulting impact of the additional use upon highway safety in the vicinity of the site and the nearby road junction. As such, it is considered that the proposal fails to meet the requirements of policies AW5 and AW6, which seek to ensure that development proposals are, amongst other things, appropriate to the local context. Therefore the proposal is recommended for refusal for the reasons set out below.

RECOMMENDATION: Refuse

1. The proposed development, in terms of its scale, proportions and appearance, would constitute an unsympathetic form of development, which would be poorly related to the character and appearance of the original building and street scene. As such, the proposal conflicts with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.
2. The proposed development is considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in an adverse impact upon highway safety in the vicinity of the application site for the following reason:

- (i) The proposed development would result in indiscriminate on-street parking, including delivery vehicles, taking place close to a nearby road junction that would create hazards to the detriment of highway safety and free flow of traffic.

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APPLICATION NO:	13/1282/13	(MJ)
APPLICANT:	Mr S Butts	
DEVELOPMENT:	Outline planning permission for 9 no. detached dwellings with off road parking, new road layout and associated works.	
LOCATION:	LAND ADJOINING NO.15 (NORTH WEST) OF TREM Y DUFFRYN, MOUNTAIN ASH, CF45 4AQ.	
DATE REGISTERED:	05/12/2013	
ELECTORAL DIVISION:	Mountain Ash East	

RECOMMENDATION: Refuse

REASONS

The proposal will have a detrimental impact on trees in a TPO area (no 2: 1983) and the ecology of the area and will not support the policies of the Rhondda Cynon Taf Local Development Plan in protecting the natural environment.

APPLICATION DETAILS

Planning permission is sought in outline for the erection of nine dwellings.

The application is made in outline with all matters reserved for future consideration. In accordance with the requirements of the General Permitted Development (Amendment) Order (SI 20089 No. 2336 (W.199)) information regarding the access, footprint and height of the proposed development has also been received as part of the Design and Access statement. These range from:

Width: 9m (min) to 10m (max)
Depth: 9m (min) to 10m (max)
Height: 8.3m (min) to 9m (max)

The proposal is to erect 9 detached dwellings. The design and access statement states that it is the developer's intention to erect dwellings of a similar scale to the properties of Trem-y-Dyffryn.

Access to the site will be directly off Trem-y-Dyffryn. An indicative plan shows an access road with the dwellings fronting in, replicating the layout seen throughout the existing housing estate.

An earlier application for outline consent for two detached dwellings has been approved on a part of the site (ref: 12/0791), directly adjacent to no.15 Trem-y-Dyffryn. These two previously approved plots are included in the current application.

SITE APPRAISAL

The application site is outside the settlement limits of Mountain Ash, and shares a boundary with the settlement limit. The application site is a vacant area of land to the northwest of the existing residential estate of Trem-y-Dyffryn. The site is irregular in shape and is part of a Tree Preservation Order (TPO) Area. The site slopes upwards towards the northwest and contains several mature and younger trees across the site.

Trem-y-Dyffryn is a relatively modern estate consisting of detached dwellings. The estate is surrounded by mature vegetation to the north and playing fields to the south and west.

PLANNING HISTORY

Previous relevant planning applications that have been made on this site are as follows:

12/0791/13	Land adjacent to 15 Trem Y Duffryn, Mountain Ash,	Outline planning for 2 No. detached dwellings with off road parking.	Grant 11/12/2012
06/0794	Land to the west of Dyffryn Road, Mountain Ash.	Proposed pumping station (re-located to meet Welsh Water requirements for adoption)	Grant 14/11/2006

PUBLICITY

The application has been advertised by a press notice, direct neighbour notification and site notices. No response has been received.

CONSULTATIONS

Transportation Section – no objections subject to conditions and payment of transport tariff.

Public Health and Protection – no objections subject to conditions.

Countryside, Landscape and Ecology – raise concerns regarding the impact of the development on trees, bats and the presence of Japanese Knotweed on the site.

Comments in relation to the ecology report are as follows:

- The Ecology Report identifies that three oak trees at the eastern end of the Site, T16, T17 and T18 are particularly notable and identifies that at least one of these may qualify as a 'veteran tree' meeting criteria for SINC status. The Report considers that a bat licence will be needed if T16 is removed.

Comments in relation to trees identified in the tree survey for felling are as follows:

- T7 is a mature tree in fair condition and could be retained to provide collective group value along with T6 within G2.
- T8 is a dead but large old Oak that and has been identified as a potential wildlife habitat. Any reduction in height would reduce the potential danger of falling dead limbs, although in an enclosed woodland setting which has no public access this type of tree will naturally decay and decompose in situ.
- T10 – T15 this regenerative group of wet woodland tree cover is described as in fair to good condition and acts as a buffer between boundaries. For that reason it is of no benefit to the Local Authority land which is adjacent to the site that this should be felled, as suggested in the survey.
- T19 – T21 Sycamore, Ash and Willow/Alder - These form part of the group of trees along the boundary and are considered of benefit and an extension to the Local Authority woodland adjacent to them.
- The trees within have boundary screening value from the playing fields and route to school, the area of trees within G3 and the north eastern edge are buffer protection for the greater woodland beyond. The woodland beyond also has mature and very tall trees which may be affected by any development in this area, this would need to be assessed for the safe distance of development from large trees. More immediately the effect of any tree clearance would be felt by neighbouring woodland trees, wind blow is often the result of such activity along woodland edges.

Land Reclamation and Engineering – no objections subject to conditions.

Housing Strategy – no objections.

Welsh Water/ Dwr Cymru – no objections subject to conditions.

South Wales Fire and Rescue – no objections subject to adequate provision of water supplies to the site and access for emergency vehicles.

POLICY CONTEXT

The principal policies in the consideration of this application are as follows:

Local Plan

Rhondda Cynon Taf Local Development Plan

Policy CS1 – promotes the building of strong sustainable communities.

Policy CS4 – Housing Requirements.

Policy AW1 – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

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

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

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

Policy NSA12 - refers to development within and adjacent to Settlement Boundaries.

National Guidance

Planning Policy Wales

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

The following Planning Policy Wales Chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

Chapter 4 (Planning for Sustainability),
Chapter 5 (Conserving and Improving Heritage and the Coast),
Chapter 8 (Transport),
Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature and Planning;
PPW Technical Advice Note 10: Tree Preservation Orders;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

The site is outside of but adjacent to the settlement boundary of Mountain Ash where the principle of residential development of up to 10 dwellings can be considered acceptable subject to certain criteria. As detailed above, the scheme seeks to provide nine dwellings the full details of which are reserved for future consideration. The site is within a TPO area and contains several different trees of varying types, ages and conditions.

The key considerations in this case are whether the proposed development will have an acceptable impact on the character and appearance of the surrounding area, with particular regard to the TPO Area, the impact of the proposal on the ecology of the site, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

Character and Appearance of the Area

In terms of the effect of the proposal on the character and appearance of the area, it is considered that the proposed development of the site for nine dwellings will have a detrimental effect on the character of the site as an attractive vegetated buffer between the Cenotaph to the north of the site, the playing fields to the south and the existing housing estate to the southeast. The development of nine detached dwellings will have a significant impact on several trees on the site and result in their removal to accommodate the development, or through development pressure in the future.

The proposal is to continue the type of development of the current section of Trem y Dyffryn - a single spine road with housing plots on either side of the road. Although this was achievable with the existing development, the narrowing down of the site area, alterations to the ground levels coupled with the close proximity of woodland of the neighbouring open space will have an impact on the landscape and the visual amenity of the area. The current proposed development will bring residential properties in close proximity to Dyffryn Woods and the Mountain Ash/Cefn Pennar War Memorial which will intrude on the setting of the space.

Trees

The application site is part of a Tree Preservation Order which was identified in 1983 as being worthy of protection. It forms the south westerly edge of a mature woodland known as 'Duffryn Woods'. The trees along this and most woodland peripheries have an important collective landscape value and represent an important woodland habitat which forms an integral part of that local ecosystem.

It is not considered that the landscape and woodland value of the trees in this TPO area have been given enough weight in the consideration of the density of the development and therefore the potential layout. It is not considered that, with the development of nine dwellings, the safe distance of development from mature and tall trees, particularly having regard to the amount of ground works being proposed, can be successfully maintained.

Residential developments adjoining woodland tend to develop problems for residents in the future as a result of the close proximity of trees causing shading, damp and potentially structural risk to property. The number of dwellings proposed would inevitably lead to the removal of the majority of the trees and the review and possible revocation of this area of TPO which is considered unacceptable given the amenity value it offers to the setting and visual amenity of the area.

It is considered that the removal of the trees in order to enable the proposed development of the site would be to such a degree that it would have an unacceptable harmful impact on the character and appearance of the area, contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The Ecology Report identifies relatively high levels of bat activity of several species. It has identified a potential bat roost in several trees and recommends them for retention. On the basis of the Ecology Report, it is considered that these trees should be retained

The housing layout for the nine properties doesn't take any meaningful account of the ecological assessment or recommendations of the Ecology Survey work. The layout proposal will involve the loss (either directly or subsequently) of all the mature trees within the site boundary and will further compromise trees growing outside the site (including trees within SINC 37). It is considered that given the existing value of the mature trees within and adjacent to the site, the current application has an unacceptable impact on mature trees and their ecological value particularly as bat habitats.

The Ecology Report also recommends that no new or artificial lighting of the trees or woodlands should accompany development, this would seem to be an unachievable objective given the layout proposals. Having regard to the recommendations made in the ecology report, insufficient information has been submitted to assess the potential light impacts on bats.

It is considered that the development of the site for nine dwellings will have a detrimental impact on the mature trees both within and adjacent to the site, and the further impacts on potential bat roosts and bat foraging habitat. It is considered that

nine dwellings is too many having regard to the environmental constraints of the site and there will be an unacceptable ecological impact should the proposal proceed.

Other Issues

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

With regards to the impact on neighbouring residential amenity, it is considered that the proposed development will have an acceptable impact and the site is capable of being developed in a way that will not have a harmful effect on the residential amenity of existing residents of Trem-y-Dyffryn.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjoining and adjacent to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

With reference to parking and access issues, the Council's Transportation Section has considered the information submitted with the application and have raised no objections subject to conditions. It is considered that the site could be developed without having a detrimental impact on highway safety.

Japanese Knotweed is a non-native invasive plant that has the ability to cause structural damage to property. It should be noted that mortgage providers are very reluctant or will refuse to offer a mortgage if Japanese Knotweed is present within the area of development. It should also be noted that the weed does not have to be within the property to trigger a refusal of a mortgage. Although a recent site inspection did not reveal any Japanese Knotweed on the site, it is believed that there is a history of the site being infested with the weed. If the weed is still present the developer will need to formulate a strategy to ensure that it does not compromise the development. This should involve working up a strategy to remove all growth from the site and prevent its re-establishment.

Any future developer should be aware of their responsibilities in accordance with legislation.

Conclusion

The development is considered to have a detrimental impact on the rural character of the area as a result of the loss of a significant amount of trees on the site damaging the site's open, vegetated character.

There is also a lack of information in support of the application in relation to the impact of the proposal on bats in the area.

The proposal is therefore considered to be contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Refuse

1. The proposed development of the site for nine dwellings would result in overdevelopment of the site leading to extensive tree removal in a TPO area that would lead to a development which would present an incongruous feature poorly related to the surrounding area. The resulting development would be detrimental to the character and visual amenity of the area contrary to policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.
2. Insufficient information has been submitted in relation to European Protected Species to enable an assessment of the potential impact of the proposed development on bats. The proposal is therefore considered to be contrary to policy AW8 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

6 FEBRUARY 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

**MR. J. BAILEY
(Tel: 01443 425004)**

See Relevant Application File