

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
4 SEPTEMBER 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.4
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No:13/0699 - Installation of ground mounted photovoltaic (PV) solar arrays to provide 11.6 MW generation capacity together with transformer stations; internal access track; landscaping; fencing; security measures; access gate; and ancillary infrastructure (cross boundary application with Neath Port Talbot), Hendrefawr, Mount Road, Rhigos, Aberdare.
2. Application No:13/1195 - Two storey rear extension to incorporate additional facilities including mortuary (Amended plans and Design and Access Statement received 3 June 2014 and 24 June 2014), Pontyclun Funeral Services, Clun Avenue, Pontyclun.
3. Application No:14/0545 - Construction of conservatory to front elevation, 1 Cemetery Road, Treorchy.
4. Application No:14/0578 - 6 No. link houses, site of old Bingo Club and Snooker Rooms, Station Road, Treorchy.
5. Application No:14/0699 - Amendment to slab levels of six of the eight affordable housing flats as approved under application 13/0744/10, Marton House, Caerphilly Road, Nantgarw, Taffs Well, Cardiff.
6. Application No:14/0715- Discharge of a Section 106 planning obligation 01/4230 – Drainage, land at the rear of Nant-Y-Mynydd (previously known as Rising Wood), Coedycwm, Pontypridd.
7. Application No:14/0937 - New play area, Ynysangharad Park War Memorial, Pontypridd.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 13/0699/10 (CHJ)
APPLICANT: INRG Solar Ltd
DEVELOPMENT: Installation of ground mounted photovoltaic (PV) solar arrays to provide 11.6 MW generation capacity together with transformer stations; internal access track; landscaping; fencing; security measures; access gate; and ancillary infrastructure (cross boundary application with Neath Port Talbot).
LOCATION: HENDREFAWR, MOUNT ROAD, RHIGOS, ABERDARE, CF44 9RJ
DATE REGISTERED: 13/09/2013
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: GRANT

REASONS FOR REACHING THE DECISION:

The development site straddles the administrative boundaries of Rhondda Cynon Taff Borough Council (RCTCBC) and Neath Port Talbot County Borough Council (NPTCBC). Neath Port Talbot County Borough Council approved their portion of the scheme in late July.

The scheme represents a useful contribution to the country's renewable energy needs and will help, through other renewable technologies, to secure a wider and more sustainable range of energy provision.

The choice of site is considered acceptable having little agricultural or ecological value and it is well sited so as not to have any significant adverse affects on the village of Hirwaun nor when viewed from the Brecon Beacons National Park.

While there are visual impacts from the development they are capable of mitigation and the construction / removal of solar panel apparatus is unlikely to have any significant implication, albeit they will remain in-site for a considerable period of time.

APPLICATION DETAILS

The application proposal is for a 11.6 MW Solar Park laid out across approximately 25.1 hectares of land within the agricultural holding of Hendre Fawr Farm in Rhigos.

The application site is split between RCT and NPTCBC administrative areas. The largest part of the site is located within NPTCBC (it is approximately a 40/60 split). Members may wish to note that NPTCBC approved the application on 29th July

2014 following the completion of the S106 agreement (the details of which are listed later in this report).

The application was submitted with an Environmental Statement as part of the Environmental Impact Assessment process.

The ES deals with a range of issues, but primarily considers the environmental effects of the proposed development in term of effects (impacts) on the following:-

- Ecology;
- Landscape and Visual Issues;
- Ground conditions and hydrology;
- Traffic implications.
- Hydrology
- Agriculture;

The proposal constitutes the installation of Photovoltaic (PV) panels laid out in rows running east to west across the various field enclosures. Each row will be mounted on a simple metal framework. The distance between the arrays will vary between 6.61m to 13.58m apart (this is guided by the change in ground levels across the site and the need to eliminate overshadowing of panels).

The metal frameworks that house the Photovoltaic (PV) cells will be supported at intervals by posts which are driven into the ground at a depth of between 1 to 2m. The solar panels will be installed at approximately 20 degrees from the horizontal facing south in order to maximise exposure to solar radiation. The panels would be mounted at 0.7 metres from the ground at the lowest point (the southern edge) and 2.1m high from the ground at the highest point (northern edge).

In addition there will be conduits (sheathing for the cables), set at a maximum depth of about 1m, running between the arrays to safely house the connecting cables. These will be linked to small cabins/huts housing necessary equipment, which are located at intervals throughout the site.

The surface of the ground will be retained as grassland which, following completion of the installation can continue to be grazed for sheep. Existing hedgerows surrounding the site would be enhanced in places, where required. Along the external boundaries of the development site where there are currently no hedgerows. New hedgerows would be planted to provide additional screening from the north, east and south of the site.

The 'gapping up' of existing hedgerow and the proposed new sections of hedgerow will be made up of a native mix of species to reflect those currently in place within the local area. Hedgerows will also be allowed to grow to a height of 3 metres to provide increased screening.

SITE APPRAISAL

The application site comprises approximately 26 hectares of agricultural land (former opencast quarry), set in open countryside. The development site lies approximately 1.1km to the west of Rhigos and 1.5km to the south of the Heads of the Valley Road.

Access to the site is provided via a Hendre Fawr Farm track directly off Mount Road, Rhigos.

The development site straddles the administrative boundaries of Rhondda Cynon Taff Borough Council (RCTCBC) and Neath Port Talbot County Borough Council (NPTCBC).

The application site comprises four fields in which the land is currently used for grazing, located in open countryside. Between 1965 and 1973 the site was in operation as an opencast quarry and has since been restored to agricultural use. To the west of the site is an extant opencast quarry and to the south, a restored former quarry site is now in use for forestry.

The area immediately surrounding the site is a combination of pastoral agricultural land, unimproved grassland, deciduous woodland and coniferous plantations. The fields around the site are small to medium in size, while being predominantly irregular in shape and bound by maintained hedgerows, post and wire fencing, estate railings and some are lined with a mix of semi mature and mature trees.

The site is not affected by any statutory or non-statutory cultural or environmental designations. The site currently exists as a farmed agricultural field which is not covered by any landscape designations. It is located within a landscape which is of an upland rural character, but is strongly influenced by human activity and is not especially remote or tranquil from existing development.

The site lies on the top and sides of two gentle hills, and slopes down towards the west. Spot heights range between 210m and 245m AOD.

The north eastern boundary of the site is at 245m AOD and tends to rise towards a gentle ridge, before leading into another valley. A small watercourse forms the southern boundary of the northern section of the site (called the Nant Rhyd-yglo). To the north of the site are open fields, with a gliding club and runway.

West of the site the land falls steadily leading into a small valley at 200m AOD where a small watercourse runs north/south before entering a tributary of the River Neath called Nant Gwrelych. To the east the land gently undulates, before falling eastwards to another valley.

The site is located in an area between the villages of Rhigos in the east and Glynneath in the west where there are few isolated farmsteads or single residential properties. There are however several small clusters of houses within the vicinity.

The village of Rhigos is located approximately 1.1km to the east of the site whilst the largest settlement in the surrounding area is Aberdare, whose centre lies approximately 9.4km to the east southeast of the site.

The closest individual properties lie along Mount Road, Rhigos, to the east of the site. These include 1 and 2 Glan-yr-Afon, which lie adjacent to the site access track and approximately 480m to the southeast of the site at its nearest point. The closest property to the site on Mount Road lies approximately 360m to the east of the nearest part of the site boundary.

PLANNING HISTORY

There is no planning history of direct relevance to the consideration of this application.

With regards to Environmental Impact Assessment the proposal is of a type that requires a decision as to whether an Environmental Impact Assessment needs to accompany the application. This is called a 'Screening Opinion'.

RCTCBC determined that the proposal would require an Environmental Impact Assessment (EIA) to be undertaken. Such assessments are necessary if a development is likely to have significant effects on the environment. An Environmental Statement (ES) was therefore submitted with the application.

PUBLICITY

The application has been advertised by direct neighbour notification letters the erection of site notices and publication of a press notice.

One letter was received from the Vale of Neath Gliding Club. While not specifically objecting to the development some concern was raised over the safety implications of siting reflective glass panels (designed to capture the sun) in such close vicinity to aeroplanes taking off and landing. The Club also enquired whether the applicant had submitted a report in respect of any impacts on aviation interests.

The ES did not include any such assessment and a further examination of the Civil Aviation Authority (CAA) guidance showed that it was the responsibility of the applicant to have carried out such an assessment. A report was subsequently submitted and shared with the VoN Gliding Club.

One further comment was made in respect of the report insofar as part of the activity of flying a glider involves it being towed into the sky by a traditional aeroplane and, once airborne, the cable tow is released and falls to the ground. Concern was expressed at the potential implications of continuing to do this where there was solar panels installed when once there were just fields. This matter was taken up with the applicant who advised that this was a private matter between the VoN Gliding Club and the operator of the solar farm and is largely an issue of liability should a solar panel be damaged rather than a material planning consideration.

CONSULTATION

Transportation Section – no objection.

Public Health & Protection – no objection.

Drainage Section – no objection.

Countryside Section – no objection.

Brecon Beacons National Park – no objection. The National Park are satisfied that although the solar panel arrays may be visible from some parts of the high ground of the Landscape Character Area, it will not be of a scale that will have a significant detrimental impact on the “special qualities” of the National Park.

Glamorgan Gwent Archaeological Trust Ltd – no objection.

Natural Resources Wales – no objection, subject to conditions.

Wales & West Utilities – identified location of apparatus.

Civil Aviation Authority – no objection.

NATS – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy AW7 - Specifies that development proposals which impact upon sites of architectural and/ or historical merit and site of archaeological importance will only be permitted where it can be demonstrated that the proposal will preserve or enhance the character and appearance of the site.

Policy AW8 - Seeks to ensure that the area’s distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy AW10 - Seeks to ensure that development proposals will not be permitted where they would result in a risk of unacceptable harm to health or local amenity.

Policy AW12 - Sets out the development plan’s parameters for renewable energy proposals.

National Guidance

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

Planning Policy Wales (Edition 6 Feb 2014) Chapter 4 (Planning for Sustainability), 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 6: Planning for Sustainable Rural Communities (2010)

PPW Technical Advice Note 8: Renewable Energy (2005).

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.

Therefore, in considering and determining applications of this nature, the primary considerations are the impact of the proposal on the character and visual amenity of the area, the residential amenity of those living closest to the site, highway safety, ecological implications and any implications of any historic, architectural or cultural features.

Main Issues:

Principle of Development

The local development plan duly sets out a permissive stance towards renewable energy generation within the open countryside (LDP Policy AW12). Planning Policy Wales, TAN 6 and TAN 8 are explicit in support for the principle of renewable energy generation and they reaffirm the Welsh Government's commitments presented within One Wales (namely, produce more electricity from renewables than Wales consumes as a nation by 2019).

Moreover, the application proposal is considered to be acceptable within the open countryside as it represents a diversification of use of a small proportion of land within a single wider agricultural holding. Accordingly, the benefits of the application proposal are twofold; firstly it will provide a valuable contribution with regards to renewable energy at the local level; and secondly, it will contribute towards the viability of the existing farmstead through diversification of income.

In terms of location requirements, a scheme of this scale can only be accommodated in the open countryside as large-scale solar parks have specific land take requirements. The application site is not protected by any statutory designations

and, by virtue of its siting, the proposal has taken into account the need to protect the valuable landscape and ecological resources provided within the countryside, whilst providing for the sensitive exploitation of renewable energy sources in accordance with Welsh Government visions as presented through its patchwork of policy publications, which include the Wales Spatial Plan; Planning Policy Wales; One Wales; One Planet; and Energy Wales.

It is considered the wider environmental benefits associated with the increased generation of renewable energy outweigh the limited specific impacts the development could have on the surrounding countryside.

Of some importance to this proposal is the requirement of UK Government to meet its own targets for renewable energy generation. It is considered that the proposal would make a modest but valuable contribution to meeting the target for the production of energy from renewable sources.

The renewable energy generating capacity put forward by this application therefore represents an important energy contribution at a local level and represents a material consideration in support of the proposed development. As such it is considered that the principle of developing the site for the provision of renewable energy is considered acceptable.

Impact on the character and appearance of the area

The importance of renewable energy schemes in Wales, and the need for consistency in dealing with applications for such developments, is indicated by the Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy” (February 2011). This advice includes guidance in respect of solar arrays, and advises (para 8.4.9) that “designated landscapes such as National Parks and AONBS are likely to be particularly sensitive in respect of one or more of these types of visual effect. Extreme care therefore needs to be taken to ensure the siting of solar arrays does not affect the special qualities of designated landscapes”.

It is generally acknowledged that designated areas and, in particular, protected landscapes have a vital role to play in contributing towards reducing carbon emissions. The reference to ‘protected landscapes’ relates primarily to national designations, which is pertinent insofar as, at a local level, the application site falls outside of any such protected landscape.

In terms of local policy, the visual impact of the proposed development upon the countryside proposal has been considered within the following policy framework:

Policy AW5 - sets out the all encompassing policy guiding new development proposals and confirms that development proposals will be supported where the scale, form and design of the development would have no unacceptable impact on the character and appearance of the site and surrounding area and where appropriate, existing site features of built and natural environment value would be retained.

Policy AW8 - relates to the protection and enhancement of the natural environment and states Rhondda Cynon Taf's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development. Development proposals will only be permitted where they would not cause harm to the features of a Site of Importance for Nature Conservation (SINC) or Regionally Important Geological Site (RIGS) or other locally designated sites and where there would be no unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW12 - confirms that development proposals which promote the provision of renewable energy will be permitted where it can be demonstrated that there is no unacceptable effect upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which identifies and assesses the significance of the likely impacts of the proposed development upon the surrounding area including residential amenity and Landscapes of Special Historic Interest or other designated landscape areas. This has been assessed, on behalf of the Council, by Simon White of Simon White Associated.

The applicant has provided an assessment that deals with landscape and visual impacts separately. The application describes that landscape impacts relate to the effects of the proposal on the physical and other characteristics of the landscape and its resulting character and quality. The visual impacts are described as the effects on views experienced by visual receptors such as residents, footpath users, tourists etc. and on the visual amenity experienced by those people.

The study area for the LVIA was taken to a 5 kilometre radius from the site. However, the main focus of the assessment was taken as a radius of 2 kilometres from the site as it was considered that beyond this distance, even with good visibility, the proposed development would be barely perceptible in the landscape.

The LVIA concludes that the proposal would not have a significant adverse impact on the wider landscape providing the proposed mitigation is carried out.

It is noted that the application site is not located within or immediately adjacent to any nationally designated landscape sites. There would therefore be no direct effects on any designated landscapes as a result of the proposed development.

Various areas of open access land are located in close proximity to the site, however, much of these are heavily forested, so will not actually experience any views out of the wider landscape. Those areas of open access land where open views are available lie beyond 1km from the site boundary and at a higher level.

The Brecon Beacons National Park lies approximately 1.1km from the site. Furthermore, the site lies 32km to the northeast of The Gower Area of Outstanding Natural Beauty (AONB) and 8.6km to the southeast of a historic park in Aberdare. While, the proposals are adjudged to have a "moderate / adverse" impact on National Park, this reduces to "moderate / slight neutral" effect following mitigation.

Notwithstanding this, Brecon Beacons National Park raised no objections and confirmed that they are satisfied that although the solar panel arrays may be visible from some parts of the high ground of the Landscape Character Area, it will not be of a scale that will have a significant detrimental impact on the special qualities of the National Park. Furthermore, Cadw and NRW have confirmed that there are no objections with regard to the impact of the proposal on the landscape.

In respect of the visual impact, the site slopes steeply to the Cwm Nedd Vale of Neath before steeply rising again on the western bank on the river. Immediately to the south of the site an area of restored opencast workings on the lower slopes of Craig y Llyn are covered with commercial coniferous plantations. Furthermore, there is a large area of current and former opencast workings to the west and southwest of the site, at Selar Site, located approximately 310m away at its nearest point. The area currently under excavation, Selar North is located approximately 710m to the west – southwest of the Hendre Fawr site at its nearest point. As such, these existing features and landform dictates that the large majority of the area of the site falling within NPTCBC's jurisdiction is screened from sensitive sites. As the ZTV indicates, longer distance views of the site, particularly as the land rises, could theoretically be available. However, given that large swathes of the surrounding land and hillsides are heavily forested, the site would be well screened from the majority of these distant views. The majority of those direct views available are outside settlements and primarily outside of the 2km Zone of Theoretical Visibility (ZTV).

The LVIA concludes that there would be no greater than a “moderate / adverse” effect on landscape character from most locations beyond the immediate site except for very limited locations where open and elevated views are available, reducing to a “moderate / slight neutral” effect following mitigation measures.

The impact of the development is, on balance, considered to be no worse than “moderate” to “adverse” as a worst case scenario on the adjacent footpath network and there is no significant adverse effect on residential receptors. It is therefore considered that it is unlikely that the scheme would result in any significant adverse effect on the wider area.

It is clear that this proposal represents the introduction of a significant change to the traditional agricultural landscape. Nevertheless, having regard to the policy presumption in favour of renewable energy, this in itself does not make the development acceptable, rather it is dependent on the siting and scale of the development.

When assessing the visual impact of such development, the nature and scale of the structures should be borne in mind. In this respect, whilst the development relates to an area of approximately 25.1 ha, the form of the development would follow the contours of the ground and, given the spacing between panels within this area the solar panels themselves have a surface area of approximately only approximately 7.3 hectares. This equates to only around 29% of the field enclosures being used for solar panels. The dark appearance of these south facing panels is likened (at para.8.4.7 of TAN 8) to straw bales wrapped in black plastic. As assessed below, the impacts of the development also vary according to distance and orientation.

In addition other ancillary structures are proposed. It is considered that the ancillary associated equipment and enclosures are of a relatively modest scale and it is considered that these aspects of the development, which would be viewed in the direct context of the solar park, would in their own right not impact significantly on the character of the land.

In summary, it is considered that without the benefit of the mitigation proposals the existing landscape elements of the site would only experience a “slight adverse” effect as a result of the proposed development and once the mitigation scheme has become established this would change to a “slight positive” effect.

Similarly, it is considered that the general visibility of the development would be limited. Within 2km of the site, there would be no greater than a “moderate adverse” effect, which is considered to be significant where this affects direct views from residential properties. As illustrated in the LVIA, would only be a temporary effect as following mitigation this would reduce to no greater than a “moderate / slight neutral” visual effect.

Impact on residential amenity and privacy

There are several residential properties within close proximity of the site. These are all located within the administrative boundary of RCTCBC. The closest residential properties to the site are all located along Mount Road, on the western edge of Rhigos.

These properties are situated at a lower elevation than the site, and some, including 1 and 2 Glan-Yr-Afon, Maesyffynon House, 1 and 2 Hendre Fawr, Ardwyn, Brickyard Farm, Ty Dewi, Penwaun Farm and Penwaun Cottage, benefit from screening from intervening vegetation. These properties will experience a low or very low magnitude of change in the view, resulting in no greater than a “moderate / slight adverse” visual effect. Following the establishment of the proposed mitigation planting the visual effects will be reduced to “slight / neutral”.

The three properties at Waun-grwn Place, which are the closest to the site at a distance of 360m, are oriented away from the site, so will not have any views of the solar panels from windows however they will potentially have views from the rear gardens. The hedgerow boundaries to the site are visible along the ridgeline of the low, rolling hill to the west. At a height of just 1.5m, the existing hedge will not entirely screen the solar panels, which will be visible along the top of the hedgerow. As such these properties will experience a low magnitude of change in the view from the rear gardens, resulting in a “moderate / slight” visual effect. These properties will benefit from mitigation planting along the eastern boundary to the northeastern field of the site. Once this has been established the visual effect would be reduced to “slight / neutral”.

In addition, Cefn Rhigos, at approximately 605m from the site, would potentially have views of the tops of the solar panels above the northern boundary hedgerow. This property would potentially experience a low magnitude of change in the views from

its south facing garden and windows on the southern elevation, resulting in a “moderate / slight” visual effect. This property will benefit from mitigation planting along the northern boundary of the northeastern field. Once this has been established the visual effect would be reduced to “slight / neutral”.

The properties with potentially the greatest visual effect are Hendre, located at approximately 385m from the site boundary, and Llwynon at approximately 389m away, which both have clear open views to the rear in the direction of the solar farm site. From first floor windows on the western elevations these properties may experience a “medium” magnitude of change in the view, resulting in a “moderate” visual effect. Due to the close proximity of the solar farm to these properties and the orientation of the rear windows towards the site this effect is considered to be “significant”. However these properties would benefit from the proposed mitigation measures of the increased hedgerow height along the eastern boundary to the northeastern field of the site. Once this has been established the visual effect would be reduced to “slight / neutral”.

The above assessment, carried out as part of the ES) demonstrates that these properties are located a considerable distance away from the application site. This, together with the fact that the solar panels will be largely obscured from these properties by virtue of the steeply rising intervening ground and the proposed mitigation scheme, will ensure that the panels will not be in direct view and will not have any unacceptable overbearing or overshadowing impact upon the residents of these dwellings.

It is considered that, whilst sections of the proposal would be visible from these properties, it would appear unlikely that due to the distance and orientation with the site that the development would unacceptably affect either the visual or residential amenity of the residents.

This assessment continues to be made in light of the strong emphasis on providing such renewable energy infrastructure in countryside locations, and given the conclusions reached above on landscape impact, it is considered that the degree of visual intrusion would not be so harmful that it unacceptably impacts upon the living conditions of the occupiers.

Access and highway safety

Although the majority of the site falls within the jurisdiction of NPTCBC, the proposed access point and construction traffic route are located solely within RCTCBC.

The applicant has provided a traffic and transport assessment that primarily considers the impact of the proposed development in terms of traffic and transportation during the construction phase. The designated route for all traffic associated with the construction phase is via the A465, A4061, Rhigos Road and Mount Road.

A total of 26 two-way trips per day, including 6 two-way HGV trips, are forecast to be associated with the construction phase at the site. The traffic and transport

statement generally concludes that the impact of traffic during the construction phase is considered to be temporary and of negligible significance.

In respect of the impact of traffic during the operational phase, the submitted information indicates that there will be around one vehicle every day within the daily variation of traffic on the local highway network. This is considered to be of negligible significance.

Given the temporary nature of the construction phase and the mitigation measures proposed, there are not forecast to be any residual impacts associated with the solar farm development at site. On the basis of the above and subject to the imposition of conditions it is considered that the development if in keeping with the provisions of Policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

Ecology Issues

Policy AW8 - confirms that proposals will be permitted provided that there would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks.

All development proposals, including those in built up areas, that may affect protected and priority species will be required to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts. Development proposals must be accompanied by appropriate ecological surveys and appraisals.

An ecological assessment was undertaken as part of the ES. It was established that hedgerows surrounding the site were suitable for use by bats and the grassland and hedgerows were also considered suitable for use by breeding and foraging birds. However, given that the site is used for grazing and will continue to be so during the operational phase and that it was identified that there was a relatively low diversity of species within the hedgerow, the suitability of the site for groups such as reptiles and amphibians, and for species such as dormouse, badger, water vole and otter were considered to be very low.

It is considered that subject to a condition requiring the implementation of the proposed mitigation measures, particularly those set out in the landscape and environmental management plan, there will be no significant unacceptable impact upon ecology.

On the basis of the above, it is considered that the development would not have a significantly detrimental impact on the ecology of the area and the application is considered compliant with the relevant criteria of policies AW5 and policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Archaeology

With respect to archaeological issues the applicant has submitted a heritage briefing note. This indicates that the application area has been subjected to extensive open cast mining between 1965 and 1973, thus destroying any archaeological remains that may have been present. Glamorgan Gwent Archaeological Trust concur with the information contained in the heritage briefing note and state that it is unlikely that any significant archaeological remains would be adversely affected by the work and therefore have no archaeological objection to the determination of this application.

Land Drainage

The effect of the proposed solar farm on the existing site in terms of surface water runoff characteristics and water quality has been assessed as part of the EA. It is noted that the restoration of natural grassland and improved soil characteristics will bring minor improvements to runoff characteristics (ie reduce the rate of runoff). The introduction of swales will reduce the rate of runoff from the site.

A significant proportion of the application site is located on sloping or steeply sloping topography. Following consideration by the Council's Drainage Section, some concern was expressed with regard to the proposals. The main concern was that it was considered that due to the steep gradients on site, the surface water falling from the panels could cause channels in the grass and soil, leading to erosion and possible silt transport to the receiving watercourses. As such, further clarification was provided by the applicants in relation to this matter which generally showed a ridge and furrow detail following contours within the site.

The purpose of this detail is to intercept flows and the furrow will encourage infiltration and evapotranspiration. In extreme high intensity storms the furrow will fill with water, up to the level of the ridge. The ridge will function as a long level weir, and form an even flow of water across the slope, over the downhill surface, encouraging further infiltration and evapotranspiration. This will be repeated down the slope at the contours shown on the plans.

In respect of the swales, these are generally located on the downhill boundary of the farm, and intercept the runoff so that it is conveyed to existing watercourses. The swales will also store water and encourage evapotranspiration, and include soil weirs where they slope to create a cascade of trapped water (detailed on page 11 of the Flood Consequence Assessment).

Overall, it is considered that the scheme is acceptable in terms of drainage, subject to conditions.

Power Connection

The plant would be connected to the National Grid. The proposed point of connection is located within the application site, towards its south-westerly side. A Control Room and Sub-Station are also necessary to house the equipment that connects the PV plant to the local energy distribution network. This will be sited in close proximity to the 33kv overhead line route.

A suitably worded condition will be imposed requiring details of this connection.

Mining Consultation

The Coal Authority, have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority have viewed the Environmental Statement submitted in support of the application. The Coal Authority records indicate that the site has been subject to past surface mining activity; additionally there are a small number of mine adits on the perimeter of the site, however these do not affect the proposed development area. Chapter 10 of the submitted Environmental Statement examines Ground Conditions and Hydrogeology.

The Coal Authority confirm that the ES acknowledges the former open cast workings at the site and comments that the potential for future uneven creep or settlement of the backfill materials requires investigation and assessment to provide design parameters for the loaded areas. The Environmental Statement demonstrates an awareness of the former mining works at the site and has put forward an appropriate mitigation strategy. The Coal Authority therefore has no objections to the proposed development.

The Coal Authority considers that the content and conclusions of the Environmental Statement are sufficient for the purposes of the planning system and meets the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. A condition will be imposed requiring that further investigation and assessment is provided in respect of the potential for future uneven creep or settlement of the backfill materials at the site to provide design parameters for the loaded areas.

Contaminated Land

In respect of contaminated land the ES has identified a requirement for intrusive investigation and risk assessment, to confirm remedial measures or design as mitigation of identified significant risks. The assessment to date indicates a possible “moderate / adverse” effect on groundwater or surface water quality if contamination sources are present that could be disturbed and impact the groundwater table or surface waters. A “moderate / adverse” effect on construction workers is identified if contamination sources are present that could be disturbed during construction.

The ES therefore recommends that intrusive investigation is required to confirm the degree of remnant contamination within influencing depth of the proposed redevelopment and construction. The EIA concludes that a further “Phase 2 Intrusive Investigation” for contaminated land aspects is required.

The Council's Public Health & Protection Section were consulted as part of the application process and responded stating that the site history and proposed development have been taken into account when assessing whether an intrusive ground investigation is required. It is stated that the site has a history of mining which has the potential to affect human health. However, given the proposed development the risk to end users is considered to be very low there is a potential risk to site construction workers but this can be addressed through the provision of appropriate Personal Protective Equipment (PPE) and the adoption of safe working practices as outlined in the CIRIA document 132 - "A Guide for Safe Working on Contaminated Sites". This information will also inform the health and safety risk assessment included in the method statement provided for this development. Therefore, the Authority's contaminated land section state that given the current available information further intrusive ground investigation work will not be required.

Aviation

Immediately to the north, the application site is bounded by a small airfield known as Vale of Neath Gliding Club (VoNGC) and runway. There was no particular complaint from the VoNGC in respect of the land use per se, but they did express concern in respect of the land owner wanting to erect a wind turbine on land in the vicinity which may have clear safety implications.

However, as a result of the response from VoNGC, The Council made the applicant aware of the Civil Aviation Authority requirement that, where solar farms have potential to impact on aviation interests, the developer shall provide a safety assurance document (including risk assessment). Additionally, as the development is in the vicinity of an aerodrome, a consultation was sent to the CAA (Civil Aviation Authority) and NATS (National Air Traffic Services).

As a result, the applicant provided an aviation report that concludes that the proposed 'Solar Park' development on land immediately to the south of the VONGC Aerodrome boundary does not impact on the 'aerodrome safeguarding' associated with the flying activity. Neither the CAA nor NATS made any objections to the scheme nor is it considered that the proposal would not adversely affect the safety of the VONGC.

Agriculture

The proposed site is identified on the Provisional Agricultural Land Classification Map (1977) as being located in an area likely to comprise Grade 5 (very poor quality) agricultural land.

As the solar park does not cause long term loss or downgrading of agricultural land, the proposed solar park development will have a negligible impact on agricultural land quality.

The impact of the solar park on the farming operations of the occupying agricultural business is also minor however the impact of the income generated by the proposed solar park tenancy on the wider farm business is beneficial.

S106 CONTRIBUTIONS/PLANNING OBLIGATIONS AND COMMUNITY BENEFITS

TAN 8 Renewable Energy (2005) considers “Community Involvement and Benefits” and recognises the opportunities that large developments provide in making contribution that benefit the community, and experience has shown that there are opportunities to achieve community benefits through major renewable energy developments including solar. These include where developers offer benefits not directly related to the planning process. However such contributions should not impact on the decision making process, and should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

The applicant is entering into formal S106 agreement for the delivery of a community benefit fund that will contribute a single payment of £52,000 which is to be used for the benefit of the local community (Ward level). It should be noted however, that the community benefit is not put forward as mitigation and should not be a material consideration in the determination of this planning application.

CONCLUSIONS

This application has been assessed with reference to both national and local policies. The national policies are strategically aimed at increasing renewable energy production, in order to achieve reductions in carbon emissions and reducing greenhouse gases. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including primarily visual impacts ecology, the effects on communities within the local area and the visual impact.

In view of the above, it is accepted that the development will materially change the character of the site and that the proposal would have some effect on the character and appearance of their rural surroundings. However, it is concluded that the impact would not be of such a significant impact as to cause undue harm to the visual amenity of the area and would not be unacceptably detrimental to the character of the local landscape in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan and Welsh Government Technical Advice Note (TAN 12).

Impacts upon ecology are minimal and no objections have been received from either Natural Resources Wales or the Council’s Countryside Section, it is considered that this is a benign form of development, there are no industrial emissions or by-products and ultimately the site can be reinstated after the 25 year operational period. Therefore the proposal accords with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

The development would have safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion. Therefore the proposal accords with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Having regard to the overarching national commitment for the generation of electricity from renewable sources, it is considered that the positive material considerations outweigh any detrimental impacts. It is noted that there have been no objections from the statutory consultees with regard to impacts upon historic or designated landscapes. It is accepted that both national and local policies offer support to renewable projects and that the criteria detailed in Local and national policies have been met in terms of policies including Planning Policy Wales (PPW6) and Technical Advice Note (TAN 8) it is therefore recommended that the proposal is approved subject to conditions.

RECOMMENDATION: Approve with Conditions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason: In the interest of visual amenity.

3. Within 25 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than five working days following cessation of power production. The site shall subsequently be restored (in accordance with the scheme required by Condition 18) no later than three months following the cessation of power production or within 25 years of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity.

4. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the landscape and Environmental Management Plan dated January 2014 prepared by Michael Woods Associates and Pegasus Group.

Reason: In the interests of clarity and to protect the biodiversity and visual

amenity of the site.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with "Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006)". This document shall be submitted to, and agreed in writing by, the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to, and agreed in writing with, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

6. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

7. No development whatsoever shall be allowed to commence until ground conditions on the development have been proven (in accordance with the procedure outlined in BRE 365) capable of supporting infiltration methods of drainage and that the groundwater level will not encroach within 1 metre of the underside of such infiltration drainage structures.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure with regard to flood risk.

8. If an invasive non-native plant species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is identified on site, no development shall take place until a detailed method statement for the control and eradication of this/these species is submitted to and approved in writing by the local planning authority. The control and eradication this/these species shall be conducted prior to the commencement of any development works on the site and in accordance with an agreed timeframe

of works.

Reason: To prevent the spread invasive plant species.

9. Prior to any building works commencing, any Fallopia Japonica (Japanese Knotweed) that is located on the site shall be shall be treated and eradicated in accordance with the Environment Agency (NRW) Knotweed Code of Practice.

Reason: In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

10. No development approved by this permission shall be commenced until a Construction Environment Management Plan (CEMP) detailing all necessary pollution prevention measures and incident response details for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The Method Statement should identify as a minimum;

- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks etc
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off during construction
- details of measures to ensure no polluting discharge from haul roads/disturbed areas
- details of the nature, type and quantity of any materials to be imported on to the site
- measures for dealing with any material (e.g. excavated waste) to be removed off-site
- identification of any buried services, such as foul sewers, so that they are protected

The CEMP should be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately. The CEMP shall be implemented as approved in accordance with an agreed timeframe of works.

Reason: Prevention of pollution of controlled waters.

11. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during site preparation and construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: Prevention of pollution of controlled waters.

12. The mitigation and land management / aftercare proposed in the ES and other supporting documents shall be carried out as stated.

Reason: In the interests of biodiversity.
13. A 6 metre vegetated buffer zone shall be put in place between the watercourse and the development (fence). No development shall take place within this buffer zone. The buffer zone shall be rotationally cut every 2 years.

Reason: Streams are listed as a priority habitat and to protect the riparian habitat and any associated wildlife, such as otter.
14. The landscaping scheme hereby approved, shall be fully implemented on site within the first planting season after completion of each phase of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless any variation is otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.
15. All works shall be undertaken in accordance with the new "British Standard BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations". This document shall be emphasised and followed to all interested parties including contractors and developers.

Reason: To ensure that the work is carried out to a satisfactory standard, in the interests of good husbandry.
16. Notwithstanding the submitted information, the recommendations of the Environmental Statement Report (July 2013, prepared by Pegasus Planning Group) shall be fully implemented and no development shall take place until an investigation and assessment has been undertaken in respect of the potential for future uneven creep or settlement of the backfill materials at the site. This investigation and assessment shall also provide design parameters for the loaded areas. The results of the site investigation and assessment shall be submitted to and agreed in writing by the local planning authority, prior to the commencement of any development on site. In the event that the investigation/assessment confirms the need for remedial measures to ensure the safety and stability of the proposed development, a report specifying the measures to be taken to mitigate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The site shall be mitigated in accordance with the approved details and an agreed programme of works.

Reason: The application site has been subject to past surface mining activity/open cast workings and there is potential for future uneven creep or settlement of the backfill materials at the site and to ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

- 17. Prior to the first beneficial use of the development, a Decommissioning Plan shall be submitted to, and approved in writing by, the local planning authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including; financial arrangements to guarantee that such works will be carried out, the method for the removal of all the solar panels, cabins, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling, and details of how the site is to be restored to its original condition.

Reason: In the interests of visual amenity.

- 18. The development hereby permitted shall be carried out in accordance with the Construction Traffic Management Plan dated 6th June 2013.

Reason: In the interests of highway safety.

- 19. No development shall be commenced until details of the means of connection to the electricity grid from the site have been submitted to and approved in writing by the local planning authority. The grid connection shall be implemented in accordance with the approved details.

Reason: In the interests of clarity.

- 20. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 – 1800; Saturday 0800 – 1300; unless such work:

- a) is associated with an emergency (relating to health and safety or environmental issues);
- b) is carried out with the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of local residents.

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APPLICATION NO: 13/1195/10 (SF)
APPLICANT: Griffith Memorials

DEVELOPMENT: Two storey rear extension to incorporate additional facilities including mortuary (Amended plans and Design and Access Statement received 3 June 2014 and 24 June 2014)

LOCATION: **PONTYCLUN FUNERAL SERVICES, CLUN AVENUE, PONTYCLUN, CF72 9AG.**

DATE REGISTERED: **24/06/2014**

ELECTORAL DIVISION: **Pontyclun**

RECOMMENDATION: Approve subject to conditions.

REASONS:

The principle of extending the existing commercial premises within the settlement boundary is acceptable. The proposed location of the extension and its design are considered to be appropriate and the resulting building is not considered to have an adverse impact on surrounding properties or highway safety.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey extension at the rear of the premises, which includes a new pitched roof above the existing building. The proposal together with the existing building, will incorporate a new reception, arranging room, viewing room and mortuary on the ground floor, with disabled WC and a new office, kitchen, store and shower / WC on the first floor. A new external access is shown on the side (west) elevation, whilst the existing access at the front (north) elevation would be replaced with a feature window.

The proposed extension will be located immediately to the rear of the existing funeral services building. It would consist of a rectangular block measuring approximately 11.5m in width by 6m in depth and the pitched roof, which runs across the extension and also over the existing flat roofed building, is 6.5 m in height. The proposal incorporates new fenestration on the north, south and west elevations and rooflights are incorporated into the new pitched roof on the north and south elevations. The extension has a traditional design and is shown to be constructed from a blockwork construction with rendered and painted walls and concrete roof tiles, although the applicant has subsequently agreed to use slate or reconstituted slate tiles, which can be controlled by condition. Existing openings within the front elevation will be amended to accommodate 2 stained glass or feature windows and a feature window will also replace the existing front door. All other windows will be constructed in white uPVC.

The pedestrian entrance will be moved to the west elevation of the building and vehicular access will remain via the side lane and rear yard area. As the new extension will occupy part of the existing rear yard area, the staff and customer

parking is shown adjacent to the northern boundary, where 3 spaces are shown to be provided. The amended plans recently submitted indicate that the existing lane will be widened to a width of 4.5m and the electricity pole repositioned in the footway.

The application is accompanied by the following:

- Design and Access Statement (DAS)

The DAS confirms that the existing business has been in operation for a number of years. Current opening hours are 9am – 5pm to the public, although it is advised that there could be activity on the site at any time due to the nature of the business i.e. bodies could be brought to the site for overnight storage whilst other arrangements are made. Part of the existing building is used as an office and the other part used as a mortuary / chapel of rest. The proposed extension upgrades the existing facilities and provides more room for office staff and their amenities, although the main aim of the proposal is to address the needs of the public using the existing and proposed building.

SITE APPRAISAL

The application site occupies a rectangular area of land approximately 0.024 ha located near to the western end of Clun Avenue and to the rear of residential properties along the A4222 Llantrisant Road. The land opposite the business is occupied by a building used as offices. An electricity substation within a metal compound is located immediately adjacent to the front eastern boundary of the site beyond which are residential properties fronting Clun Avenue. The remaining boundaries are defined by close boarded fencing.

The existing funeral services business is accommodated within a rectangular detached flat-roofed building of 36 sqm, which previously served the sub-station. The building has a rendered and painted finish, an entrance door and window at the front and access doors at the rear with the car park / yard behind, which has a loose gravel finish. A small area to the west of the building is used for the display of stone monuments and an electricity pole is located at the front within the pavement.

Access to the yard is via the lane, which runs along the western boundary of the site from Clun Avenue, behind residential properties and then exits out onto Llantrisant Road to the north. There are a number of small commercial businesses occupying the buildings on the eastern side of the lane to the rear of the existing funeral services premises. Residential properties backing onto the western boundary are of a traditional semi-detached Victorian design and those along Clun Avenue are of post-war construction.

PLANNING HISTORY

07/1283 Retrospective application for extension and conversion of Refused
electricity sub-station to funeral directors and viewing room, 29/08/07
erection of 1.8m boundary fence, and widening of access

	lane.	Appeal allowed 26/02/08
06/224	Retrospective application for extension and conversion of electricity substation to funeral directors and chapel of rest and erection of 1.8m boundary fence along Clun Avenue and side access lane(amended description 06/03/06).	Refused 21/07/06 Appeal Dismissed 04/06/07
84/1554	Proposed construction of chapel of rest	Granted with conditions 06/02/85
84/0897	Chapel of Rest	Refused 26/09/84
83/1132	2 Maisonettes (outline)	Granted 20/09/83

PUBLICITY

The application has been advertised by way of direct neighbour notification and site notices. In response to the original application, **two letters of objection** were received.

The first letter, from the adjacent residential property no. 2 Clun Avenue, raises the following concerns:

- The proposed use will conflict with the statement which suggests that 'the site layout and mix of uses maximises the opportunities to reduce the dependence on cars'. The enhancement of the existing use will increase traffic flow to the premises and the proposal will substantially reduce the existing parking provision. Visitors do not use the car park and park illegally in the highway. The provision of a mortuary infers traffic activity over a 24 hour period. Access to the site for long wheel based vehicles is severely restricted;
- Previous objections which highlighted the probability of off street parking in restricted areas by visitors and funeral vehicles have been proven and photos are included showing funeral vehicles parked on the pavement and on yellow lines;
- The extensive accommodation which is to be provided will further enhance visitor numbers and potential parking difficulties. The block plan indicates three parking spaces and the entrance width to be increased with a passing place, although no details are provided. This also diminishes facilities for parking;
- The extent of office/reception areas appears more than necessary for the administration of the premises. The first floor is more akin to domestic accommodation;
- The existing first floor level is approximately 500mm above pavement level and the primary access indicates a ramped approach which cannot be

accommodated due to on site constraints. More details are required to comply with Building Regulations;

- The highway sewer into which foul drainage is proposed, does not exist and no surface water details are provided;
- The roofing materials should be slate and not concrete tile;
- The proposed addition will greatly enhance the sub-standard facility that was created by approving a retrospective application. Further development can only create further traffic congestion and inconvenience for neighbouring properties.

The second letter on behalf of the Community Council raises concerns over vehicle movements to and from the site, given the site has very limited immediate parking facilities.

In response to the amended plans received on 3 June 2014 and Design and Access Statement received on 24 June 2014, neighbouring properties were re-consulted and **two letters of objection** were received.

The first letter is from the occupier of the same residential property, no. 2 Clun Avenue and raises the following additional points:

- Previous concerns raised regarding car parking and increased traffic flow have not been addressed in the revised application;
- Visitors to the chapel of rest park in Clun Avenue as the rear is not available or signed and employees also park in the Avenue;
- The increased size of the development and rear lane widening further decrease the car parking provisions;
- It is doubtful whether this concerns the planning department who granted retrospective consent in the first instance.

The second letter from 'a resident of the street' raises the following concerns:

- A two-storey funeral home would be out of place and will cause problems, especially health and safety issues to the residents;
- The funeral home will be creating more noise, especially with people visiting the home outside normal working hours and during the night;
- Parking is an issue – the street has grass verges either side and limited parking. It is very busy throughout the day with people parking who work locally or catching public transport. There is no parking at the funeral home and if this goes ahead, the only parking will be on the main road which is very busy and has single and double yellow lines. There is currently a problem when the hearse tries to park and this will cause an accident, especially with children walking home from school. We are also on a busy bus route and it causes problems with them passing in the street.

CONSULTATION

Transportation Section – a retrospective application (07/1283) for the extension and conversion of an electricity sub-station to funeral directors and viewing room on this

site was allowed on appeal. A condition was imposed by the Planning Inspector to widen the lane to a width of 4.5m from its junction with Clun Avenue for a distance of 10m together with the removal of the telegraph pole to facilitate safe two-way passing movements in and out of the lane.

The amended layout plan, Drawing No. LG01Rev C.C received on 01/08/2014 shows the lane to the rear of the A4222 Cowbridge Road accessed off Clun Avenue, widened to 4.5m from the edge of the carriageway which would provide for safe and satisfactory access which is acceptable in principle. The utility electricity pole previously affected by the access improvements is shown in a new location between the new ramped access and the widening of the lane, which is acceptable in principle.

The achievable visibility at the access lane onto Clun Avenue to the right to the junction with the A4222 Llantrisant Road is acceptable and the visibility to the left would be improved by the lane widening and the removal and re-siting of the electricity pole.

In relation to parking - the amended layout plan Drawing No. LG01C shows 3 standard tandem parking spaces with access gained via the narrow lane off Clun Avenue however despite the widening of the lane to 4.5m at this location, there is insufficient width to facilitate manoeuvring in and out of the space nearest to the lane. The provision of only 2 parking spaces that are practical for use gives cause for concern in terms of additional parking taking place with the already high demand for limited on-street parking in the surrounding area. However, considering that the site is located within a sustainable area within walking distance of public transport facilities (bus and rail), on balance the parking provided is considered at an acceptable level.

In conclusion, the lane improvements together with the resiting of the electricity pole would improve the access to and from Clun Avenue and visibility for exiting vehicles and it is therefore, on this basis the proposal is considered acceptable subject to appropriate conditions.

Countryside, Landscape and Ecology – no relevant SewBrec records of Statutory Protected Species from the immediate vicinity. The Council's Ecologist has advised that only if the application was affecting the existing roof space, would further enquiries need to be made.

Public Health and Protection – no objections subject to conditions to control demolition, hours of operation, noise, dust and waste. It is advised that records indicating potentially contaminating land uses have shown that the site is within 250m of a landfill site and advice should therefore be given regarding the potential for adverse ground conditions on site.

Land Reclamation & Engineering – has advised that the applicant has proposed to discharge storm/surface water drainage to soakaway. Further advice is provided in relation to drainage requirements for the site and drainage conditions are requested. It is also advised that the applicant should be made aware that the area is

susceptible to ground water issues and they should take this into consideration when designing the proposed surface water drainage system.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is identified as being inside the settlement boundary SSA13 and is unallocated.

Policy CS2 – advises that in the South Strategy Area, emphasis will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. This will be achieved by focusing development within defined settlement boundaries and promoting the re-use of under used and previously developed land and buildings and providing opportunities for inwards investment in sustainable locations.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations, which would not unacceptably conflict with surrounding uses and has good access to key services and facilities.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to placemaking including, that extensions reflect, complement or enhance the details and character of the original building.

Policy AW8 - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and that proposals demonstrate measures for the mitigation and compensation of potential impacts.

Policy AW10 – advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including instability, noise or flooding.

SPG – Nature Conservation

SPG – Design and Placemaking

SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

National Guidance

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

Planning Policy Wales Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development) and Chapter 8 (Transport), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The application site is located within the settlement boundary, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW 2 sets out a number of criteria to be taken into account including supporting locations that are within the settlement boundary, which have good accessibility by a range of sustainable transport options and have good access to key services and facilities. In this case, the application constitutes the extension of an existing business that is located within the settlement boundary and immediately to the north of the neighbourhood retail centre of Pontyclun, which offers good access to key services and facilities and is also accessible by foot and various modes of public transport. The proposed extension of the existing funeral services therefore fulfils a number of the policy criteria required for a sustainable location and it is therefore considered that the development is acceptable in principle, subject to the consideration of other policy considerations identified below.

Impact on the character and appearance of the area.

The existing building was formerly a sub-station building and its shape and form do not relate to any other buildings in the locality, whereas it is considered that the design of the building now proposed, which includes a reduction in its height and amended roof design, will enhance its appearance in the street scene. The main visual impact resulting from the current application will be in views from the east and west up and down the street and from these locations, the profile of the building, although being located immediately on the pavement, will not have a significantly

harmful impact. The proposed extension will be set back from the front of the site and will not therefore be seen as a prominent addition.

The use of matching materials is considered acceptable and these are in keeping with other properties in the immediate locality. The replacement of the front entrance and insertion of feature windows, is also considered to enhance the appearance of the building.

Therefore, whilst the proposed extension to the funeral services building constitutes a larger footprint than the existing building, it is concluded that the scale and design of the extension and other proposed alterations will not detract from the character and appearance of the area, from many aspects will enhance the street scene and complies with Policy AW6 of the Local Development Plan.

Impact on residential amenity and privacy

In relation to any potential loss of amenity and privacy resulting from the physical presence of the extension, the building will have the greatest impact on the adjoining residential property no. 2 Clun Avenue, but will also be seen from the rear of properties in Llantrisant Road. Since the original submission of the application, the bulk of the extension has been reduced and the removal of the fenestration from the two-storey element and its replacement with roof lights in the north and south elevations will also prevent any significant overlooking of neighbouring properties to the west or east. Whilst the extension is set forward from the adjacent property no. 2 Clun Avenue, it will be located at least 1m from the boundary and approximately 5m from this property, which is positioned facing away from the site towards the public highway and only appears to have one ground floor window on the side elevation. The extension is also separated from properties in Llantrisant Road by the existing lane. It is not therefore considered that residents of nearby properties will suffer any loss of amenity or privacy through overlooking or overbearing impact and it is noted that the objections received, do not raise any significant concerns in this respect.

The level of new accommodation proposed has generated concerns in relation to the level of activity that could be associated with the funeral service use. The application details that one further part-time employee would be employed at the site and the proposed hours of opening would remain as existing - 9am - 5pm Monday to Friday, although there has been the need to bring bodies to the site outside of these times. The DAS accompanying the amended application explains that the improved facilities are designed to address the needs of the public using the building, whilst also providing more room for office staff amenities and it would appear that most of the functions indicated are already provided, albeit in a reduced capacity. For example, part of the existing building operates as a mortuary and viewing room, when required. Whilst, it is acknowledged that the proposed accommodation will potentially enable more activity to be generated from the site, the times when the building will be open to members of the public is proposed to remain the same and the public entrance to the building will now be located on the western side. It is therefore considered that the existing amenities of residents would not be affected to such an extent that could be considered contrary to Policy AW5 of the Local Development Plan. It is clear that the existing building has been used to provide

funeral services for a number of years and it is not considered that there will be any material change of use resulting from the increased floor area which will be provided. Furthermore, any activity at night will be carried out at the rear of the premises which is furthest away from the nearest residential properties.

Access and highway safety

With regard to highway safety and parking issues, it is accepted that the extension and resulting level of accommodation provided in addition to the loss of some of the existing parking area at the rear of the site, may have some implications on the existing access arrangements and parking in the area. Local residents have confirmed that a number of problems with access and parking already exist with the existing business, particularly at times when funeral vehicles attend the site.

The current application is accompanied by a revised parking arrangement to the rear of the site which is shown to provide 3 spaces, although one of these has been confirmed by the Council's Transportation Section to be restricted. It is acknowledged that there is therefore potentially only 2 parking spaces available within the site however, it is suggested that a maximum of 2 employees will be present during the day which will be sufficient for the needs of the business. Whilst it is therefore likely that customers would need to park elsewhere, it would appear from the comments received from residents that this situation already occurs.

Whilst residents concerns regarding the parking restrictions in and around the site are appreciated, the existing on street parking restrictions that are in place do not extend eastwards beyond no. 6 Clun Avenue. A number of residential properties in the immediate vicinity have off street parking available to them and on-street parking is available further along Clun Avenue, which can be used by any resident, business employee or shopper in Pontyclun. The site is also within easy walking distance of the main shopping area, where there are further parking facilities and easy access to other sustainable forms of transport.

The existing lane is also shown through the amended scheme to be widened to a width of 4.5m for a distance of approximately 16m, which will allow two-way traffic to use this part of the lane and prevent standing traffic in Clun Avenue. Whilst this arrangement was anticipated to be carried out following the previous appeal (87/1283), the work was not subsequently implemented as the applicant did not own all of the land at that time. The applicant has agreed however to arrange for the relocation of the electricity pole in the pavement that will facilitate the widening of the access track and it is considered appropriate to secure these works by an appropriately worded condition.

On balance, it is not considered that the proposed extension will result in such a significant change in relation to the existing access or parking arrangements, that would result in conflict with Policy AW5 of the Local Development Plan or justify refusal of the application and this view is supported by the Council's Transportation Section.

Other Issues

Ecology

In relation to ecology issues, the main impact that has been identified resulting from the proposed development is the effect of the new extension on any bats which are roosting within or using spaces within the existing building. It has been confirmed however that the proposed work will not affect the existing roof structure and therefore the standard advice note will be included.

Drainage

Whilst questions regarding the proposed foul and surface water drainage systems have been raised, there is no indication that suitable systems could not be provided on site and these details can be controlled by way of an appropriate condition.

Conclusion

Having taken into account all of the issues identified above, it is considered that the proposed two-storey extension, which incorporates a number of improvements to the facilities for staff and customers of the existing funeral business is acceptable and complies with relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended elevation plan no. LG01 Rev C received by the Local Planning Authority on 3 June 2014 and block plan LG01 Rev C received on 1 August 2014.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

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

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the

positions, design, materials and type of boundary treatment to be erected along the western boundary of the site. The boundary treatment shall be completed before the development hereby approved is occupied. Development shall be carried out in accordance with the approved details.

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

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

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

6. The development hereby approved shall not be open to the public except between the hours of 0900 hours to 1700 hours Mondays to Fridays and shall not be open to the public on Saturdays, Sundays or Public Holidays.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Construction works on the development shall not take place other than during the following times:
 - Monday to Friday 0800 to 1800 hours;
 - Saturday 0800 to 1300 hours;
 - Not 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 AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

9. The development hereby approved shall be occupied until the drainage

works have been completed in accordance with the approved plans.

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

- 10. The development hereby approved shall not be beneficially occupied until the improvements to the lane shown on drawing LG01 Rev. C including the relocation of the electricity pole to facilitate widening of the lane with its junction with Clun Avenue, have been carried out to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and free flow of traffic.

- 11. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding.

- 12. Prior to the commencement of development, traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

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APPLICATION NO: 14/0545/10 (GH)
APPLICANT: Mr K Ingram
DEVELOPMENT: Construction of conservatory to front elevation.
LOCATION: 1 CEMETERY ROAD, TREORCHY, CF42 6TB
DATE REGISTERED: 11/06/2014
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

APPLICATION DETAILS

Permission is sought to construct a conservatory on the front elevation of 1 Cemetery Terrace, Treorchy.

It is intended that the proposed 'p-shaped' conservatory, with the exception of a 0.5m setback from the boundary with the neighbouring property, will cover almost the width of the front elevation. It will incorporate a new front entrance door and have full glazing above a 0.9m rendered block waist wall.

Originally the submitted plans were for the conservatory to extend 3.5m into the front plot, and to a total width of 5.33m. However, following concerns about the scale of the proposals with regard to the streetscape, the applicant agreed to reduce the depth from 3.5m to 2.5m. The height at the eaves will be 2.25m, rising to 2.8m where a decorative ridge will be fitted.

As noted above, the low waist wall will be rendered to match the main dwelling. It is proposed that the conservatory elevations and roof will be constructed from golden oak coloured uPVC, with clear glazing. The applicant has noted that he intends to replace the other house windows with matching units – they are currently of a darker finish. However, the sloping roof panels will be fitted with active blue glass.

This application is brought before Committee because the applicant has declared a family relationship to a Member of the Council.

SITE APPRAISAL

The application property is at the end a row of five terraced cottages on Cemetery Road, all of which are located on a slight gradient to the south of Treorchy Cemetery.

To the north, where the gradient increases markedly, part of the boundary is formed by a retaining wall, containing an area of hardstanding and outbuildings. This is used for storage by a monumental mason. Further along this boundary the application site abuts the Cemetery. The rear eastern boundary abuts the land surrounding the property known as 'Fern Bank', whilst to the south is the neighbouring dwelling of no. 2 Cemetery Road.

The distance between the highway and the front elevation of no. 1 is approximately 6.6m, so just over 4m will be maintained between the conservatory and the road. The property immediately opposite the application site is the office building belonging to the same monumental mason mentioned above.

It is noted that a number of the other terraced cottages have been subject to material alterations. Although at the time of construction, they are likely to have been more or less identical, there is now less uniformity:

The application dwelling currently has a front, tiled canopy supported by two rendered buttress walls, whilst no.2 has had a loft conversion with a box dormer to the front and enclosed porch. No. 3 has also benefitted from a front extension with single-pitch roof and full width glazing of the same oak colour as proposed for the

conservatory. Lastly, no.4 benefits from uPVC glazing with Rosewood finish, incorporating French doors in the main window.

PLANNING HISTORY

There are no other planning applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to three neighbouring properties. No responses have been received.

CONSULTATION

None required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Treorchy

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.

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 Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the extension of an existing residential property and the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

Proposals to extend forward of a property's principal elevation are usually subject to a greater degree of scrutiny, particularly where they are likely to have a greater impact on the street scene and are in wider public view. So in assessing the merit of such an application, the context of the existing built environment plays a greater part of any deliberations.

This row of five terraced cottages is somewhat distinct from other development lower on Cemetery Road, where properties either directly front the highway or have very much shorter plots. They are separated by distance, intervening side roads and vegetation. In addition and as noted above, each cottage has been altered to some level and the uniformity and rhythm experienced further down the road is less evident to the point that the development feels less formal.

Taking into account the position of the northern retaining wall, whether considered as a background or a screen, this helps to mitigate the visual impact of the proposals. Furthermore, given the position of the property opposite and adjacent to a commercial operation, it is in this wider context that the addition of a conservatory to no. 1 is considered not to cause detriment. In terms of any impact on the character and appearance of the area, the proposals are felt to be acceptable.

Impact on residential amenity and privacy

Noting the position of the dwelling and proposed conservatory in relation to the highway, and the neighbouring property, it is more likely that any impact on privacy will be felt by the applicant whilst the conservatory is being used.

Nonetheless, with regards to the impact on no. 2, this dwelling benefits from a rendered and enclosed porch, directly on the boundary with no. 1. Normally any development extending in front of another property, particularly when glazed and habitable, has the potential to cause a sense of infringement of space. However, the position of the porch is such that even from the mid-point of the front window, the side elevation of the conservatory is likely to be screened.

On this basis it is felt that residential amenity and privacy is not likely to be impinged, and is therefore acceptable.

Conclusion

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to be acceptable and complies with the relevant policies of the Local Development Plan (AW5, AW6 and NSA12).

RECOMMENDATION: Grant

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

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

2. The external materials of the proposed conservatory shall match as near as possible the materials of the main dwelling.

Reason: To ensure that the extension is in keeping with the existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 14/0578/10 (BJW)
APPLICANT: Gilheaney Construction
DEVELOPMENT: 6 No. link houses.
**LOCATION: SITE OF OLD BINGO CLUB AND SNOOKER ROOMS,
STATION ROAD, TREORCHY, CF42 6UE.**
DATE REGISTERED: 06/05/2014
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: Approve.

REASONS:

The proposal would make productive use of a disused site that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character of the area. The relationship between the proposed dwellings and existing neighbouring properties is not considered to cause detriment to their amenities.

APPLICATION DETAILS

Full planning permission is sought for the construction of 6 link houses on a cleared, triangular shaped piece of land that was formerly the site of a snooker hall on Station Road, Treorchy.

The dwellings would be located at the front of the site, directly onto the access road for Treorchy railway station. The properties would consist of a pair of three link, two storey dwellings with rear garden areas.

The properties would measure 5.2m in width by 8.7m in depth by 5.05m in height to the eaves, 7.25m in height to the ridge of the roof and would be finished in facing brickwork with contrasting brick quoins and headers at ground floor level, fine down render at first floor level and a grey tile roof.

Accommodation would consist of a living room, W.C., kitchen and dining area at ground floor; 3 bedrooms, 1 en suite and a bathroom at first floor.

The layout, which has been amended due to concerns over parking, turning and general highway safety, now includes the following:

- A widened pedestrian footway at the front of the site with a width of 2m;
- 2 no. parking areas, each with 6 spaces and including turning facilities

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposal would respect the surrounding area in terms of building finish that will allow the dwellings to blend in and would supply housing appropriate to the area that meets local demand and also make the best use of available land.

SITE APPRAISAL

The application site is a triangular shaped piece of land located between Station Road and the approach road to Treorchy Railway Station.

The site has an area of approximately 1368 square metres and a road frontage, onto the station approach road, of 73 metres. The land is relatively flat, although the rear boundary onto Station Road, rises steeply to approximately 2.7m.

The application site was formerly occupied by a large bingo/snooker hall which has been demolished for some time and the land has been cleared. There is now some light ground flora, particularly on the sloping rear bank.

The site is on one of the approach roads to Treorchy Town Centre, although it is unallocated for any particular use. The surrounding area contains the Railway Station to the south and a retail food store to the east.

PLANNING HISTORY

08/0920	Old Bingo hall & snooker rooms,	Construction of 18 No. 1 and 2 bedroom apartments in three storey block.	Refused 26/11/08
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	Station Road, Treorchy.		Appeal Allowed 06/04/09
04/2354	Old Bingo hall & snooker rooms, Station Road, Treorchy.	Construction of 18 No. 1 and 2 bedroom apartments in three storey block.	Granted 16/09/05
03/0317	Old Bingo hall & snooker rooms, Station Road, Treorchy.	Residential development	Granted 04/07/03
83/0212	Old Bingo hall & snooker rooms, Station Road, Treorchy.	Change of use of part of existing bingo club to private members club.	Granted 27/04/83
81/1053	Old Bingo hall & snooker rooms, Station Road, Treorchy.	Extension to provide changing rooms toilets & kitchen facilities	Granted 12/01/81
80/0890	Old Bingo hall & snooker rooms, Station Road, Treorchy.	Sheet panel advertisement	Refused 06/01/80
79/0246	Old Bingo hall & snooker rooms, Station Road, Treorchy.	Rebuild retaining wall	Granted 02/10/79
76/0425	Old Bingo hall & snooker rooms, Station Road, Treorchy.	Sign	Granted 29/06/76

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. No responses have been received.

CONSULTATION

Transportation Section – no objection, subject to conditions. Also recommends the contribution of a Transport Tariff of £9024 in accordance with adopted

Supplementary Planning Guidance (SPG) based on the 6 dwellings proposed at the site. The contribution should be secured through a Section 106 Agreement.

Land Reclamation and Engineering – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions restricting the hours of operation during construction and for a scheme dealing with the noise from the station and nearby food store and mitigation to the proposed dwellings. Advice is offered in relation to the minimisation of noise, dust and the disposal of waste at the site.

Natural Resources Wales – no adverse comments, standard advice offered.

Dwr Cymru Welsh Water – no objection, subject to conditions.

Countryside Landscape and Ecology – no objection, subject to a condition requiring a Wildlife Protection Plan for construction to be submitted and approved by the Council prior to any works commencing.

POLICY CONTEXT

The site is within the settlement boundary and unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

Policy AW1 - outlines the Councils need to meet the housing land requirement from sources including unallocated land within the defined settlement boundary of Key Settlements.

Policy AW2 - sets out criteria to ensure that development of non-allocated sites are only permitted 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 AW8 - only permits development where it would not cause harm to features of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA2 - sets out the criteria for development proposals within the identified Key Settlement of Treorchy.

Policy NSA10 - seeks residential densities of 30dph or more, and gives criteria for any allowances for lower densities.

Policy NSA12 - gives further criteria for development within settlement boundaries.

Policy NSA13 - sets out criteria concerning the rehabilitation and conversion of large buildings in the Northern Strategy Area.

National Guidance

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

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing) set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

Other relevant policy guidance consulted.

Planning Policy Wales Technical Advice Note 12 Design
Planning Policy Wales Technical Advice Note 11 Noise

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan.

The site also benefits from two previous consents, both for the construction of a three storey apartment block consisting of 18 flats. Consequently, it is considered that the principle of using the site for residential purposes has been established by the previous consents and is acceptable.

It is considered that the dwellings currently proposed could be accommodated at the site without leading to over development and that the proposal would make a productive use of the land that would be in keeping with surrounding land uses.

Character and Appearance of the area

The immediate surrounding area is characterised by commercial development and the railway station with the closest residential dwellings consisting of a block of Police flats 35m to the north of the site.

The town of Treorchy is a Key Settlement with a fairly large retail area and housing being a mix of styles with a predominance of traditional terraced housing. It is considered that the site would represent an “infill” opportunity within the existing environment.

It is considered that the design of the properties are in keeping with existing terrace properties within the area in terms of their design, albeit they are a more modern interpretation of a traditional terrace.

It is considered that the properties are of an acceptable design and scale in terms of its street frontage and are sympathetic to the character and appearance of the area in this regard. Additionally, due to the disused nature and character of the area, it is considered that the proposal would be a visual improvement on the existing situation at the site.

Therefore, it is considered that the proposal is respectful, sympathetic and acceptable in terms of the character and appearance of the area.

Impact on amenities of neighbouring properties

The site represents an infill plot but due to its location, is one that would not have a close relationship with existing neighbouring properties despite the densely built-up urban form of this area. Indeed the closest affected dwellings are some 35m from the edge of the development site.

Consequently, having regard to the layout, scale and design of the properties and their relationship with surrounding dwellings, it is considered that the proposal would not have a detrimental impact on neighbouring residential properties.

In terms of the existing adjacent railway station and retail food store, it is acknowledged that there is potential for some disturbance to residents of the proposed dwellings. This could become a problem for both the activities of the existing uses and the amenity of future residents.

In this regard it is considered that a suitably worded condition, as suggested by the Public Health and Protection Division, requiring a scheme for protecting the future occupiers of the development from noise from the existing uses be submitted and implemented prior to beneficial occupation of the properties would be a suitable means of ensuring an acceptable outcome for both parties. It is considered to be reasonable and necessary to include the suggested condition to address this issue.

Consequently, having regard to the issues above, it is considered that the proposal is acceptable.

Highway safety

The Transportation Section has raised no objection to the application. This view has been offered after negotiation and amendments to the initially submitted scheme and in acknowledgement of the previous planning history of the site.

The proposal would create a turning facility for all users of the access road to the train station as well as parking and turning facilities for the proposed dwellings.

While the maximum requirement of parking provision for each dwelling would be 3 spaces per dwelling, it is considered that due to the sustainable nature of the site, within close proximity to alternative modes of transport and local amenities, that 2 spaces would be acceptable and in line with current national guidance.

Consequently, due to the amended layout of the site, its planning history and sustainable location it is considered that the proposal is acceptable in this regard.

Conclusion

The application represents an acceptable form of residential development that would be in keeping with the existing properties, sympathetic to the surrounding area and would not be detrimental to the existing amenities or highway safety of the area.

Consequently, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the issues outlined above (and in accordance with Policies AW5, AW6, AW8 and AW10).

RECOMMENDATION:

Approve, subject to the applicant entering into a Section 106 agreement the Heads of Terms of which are set out below:

Heads of Terms

Transport Tariff

That the applicant enters into an agreement to make a transport tariff contribution towards improving the strategic highway network at a rate of:

Residential 3/4/5 + bedrooms at £3,008 / unit x 50% Level 3 tariff = £9024

With regard to the timing of payment, 25% would be payable upon commencement of development, 50% upon the completion of 50% of the development and the remaining 25% upon the completion of 75% of the development.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plan(s) received by the Local Planning Authority on

01/08/2014.

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

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. 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.

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

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

6. 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.

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

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

- 8. 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) Not 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 AW5 of the Rhondda Cynon Taf Local Development Plan.

- 9. No development shall commence until a scheme for protecting the future

occupiers of the development hereby permitted from noise from both the railway line passing through Treorchy Station and the adjacent Supermarket at Station Road, Treorchy, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: To ensure that the development is adequately protected from the potential source of noise from the existing uses in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

11. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

12. Before the development is brought into use the means of access, together with parking and turning facilities, shall be laid out in accordance with the submitted plan 2405 NB 1a dated 01/08/2014 and constructed to and approved in writing by the Local Planning Authority prior to any works commencing on site. The parking and turning areas shall not thereafter be used for any other purpose other than the parking and turning of vehicles.

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

13. Development shall not begin until details providing for the creation of a 2.0 metres wide footway along the site frontage along with vehicular crossover and buff coloured tactile paving for the uncontrolled pedestrian crossing have been submitted to and approved in writing by the Local Planning Authority. The footway/crossover shall be constructed in accordance with the approved details before the development is brought into use.

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

14. Heavy goods vehicles used as part of the development shall be restricted to 09:00am to 16:00pm weekdays, with no deliveries on weekends and Bank Holidays unless otherwise agreed in writing with 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.

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APPLICATION NO: 14/0699/10 (HL)
APPLICANT: KW Bell Ltd
DEVELOPMENT: Amendment to slab levels of six of the eight affordable housing flats as approved under application 13/0744/10
LOCATION: MARTON HOUSE, CAERPHILLY ROAD, NANTGARW, TAFFS WELL, CARDIFF, CF15 7TA
DATE REGISTERED: 09/06/2014
ELECTORAL DIVISION: Ffynon Taf

RECOMMENDATION: Approve

REASONS:

The proposed development is within the settlement boundary and in a sustainable location. The plans detail a development that would not have a significant impact on the character of the area, the residential amenity of those living closest to the site or the highway safety of the area. The application is considered compliant with the relevant policies of the Development Plan and National Guidance.

APPLICATION DETAILS

Full planning permission is sought for the erection of eight affordable flats on land within the curtilage of Mill House, Old Caerphilly Road in Nantgarw. The units will be laid out in a link of four attached blocks in a staggered and terraced arrangement.

Members may recall that a similar development was approved on the same site by the Council's Development Control Committee on the 7 November 2013 (application 13/0744/10 refers). Following the determination of the application, a request to increase the finished floor levels of the buildings was submitted. It was considered that the alteration requested could not be considered as a minor amendment to the scheme and a new full planning application was required.

The link of four would have a frontage of 32.4m, a maximum depth of 8.6m, and a maximum height of 9.1m to the ridge (two storey) falling to 5.1m at eaves level. The buildings would be developed following the topography of the site, as such the finished ground floor level of flat 4 in the eastern part of the site would be set approximately 1.4m above that of Mill House and flat number 1 to the west.

Each flat would have one bedroom, a kitchen, living room and a bathroom. Externally the buildings would be finished with dark grey concrete roof tiles, smooth render and facing brick.

Nine off-street parking spaces for the flats which would be provided on a paved finished area located to the front of Mill House, in the north-western part of the site. A separate car parking area would be maintained for Mill House to the rear of the building. A bike shelter for up to 8 bikes would be provided to the west of the proposed flats.

Pedestrian access to the units would be via a 1.2m wide pathway to the north of the buildings. A communal grassed area would be provided on all sides, with bin storage and washing lines etc in the eastern corner of the plot. Whilst windows would be provided in the front and rear elevations, the principle elevation would face north with all front doors, with the exception of that to unit five being provided in the northern elevation. Unit five would be accessed via a doorway in the western (gable) elevation.

The site layout plan submitted indicates the provision of new and additional gabion basket walls along the northern side of the Nant Garw which flows along the southern boundary of the site.

The application is accompanied by the following:

- Design and Access Statement;
- Surface Water Drainage details;
- Gabion basket design and installation specification; and
- Geo-Environmental Assessment

SITE APPRAISAL

The application comprises a roughly triangular shaped parcel of land with an area of approximately 0.19 hectares located within the defined settlement development limits of Taffs Well. The site contains the existing building known as Mill House and its associated land. Access to the site is via Caerphilly Road to the north-west, which in turn adjoins with Cardiff Road. Caerphilly Road serves two other properties which are located to the north west of the site.

At the time of inspection the site had been cleared in preparation for construction. The site falls gently from east to west, towards Mill House. A masonry retaining wall with a maximum height of 1.5 metre high lies adjacent to Caerphilly Road and the site entrance. The southern boundary of the site adjoins the Nant Garw, the western boundary adjoins the Cross Keys Public House and is defined by an existing 1.8 metre high timber close boarded fence and the access road leading to the site. The northern and eastern boundaries adjoin a heavily vegetated embankment leading up to the A4054, at the bottom of which has been developed a 0.5 metre high block wall with 0.5 metre high timber barrier along the northern boundary and a 1.8 metre close boarded timber fence along the eastern boundary. The site is surrounded by a mix of residential and commercial development.

PLANNING HISTORY

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

13/0744	Construction of eight, 1 bedroom affordable flats	Conditions 20/03/14
13/0152	Alteration, extension and refurbishment to existing office/workshop to provide offices including external works and PV solar panels to south facing roof.	Conditions 05/04/13
08/0495	Change of use of existing office into residential use and the erection of 4 houses (amended plans received 03/07/08)	Conditions 13/08/08
88/343	Workshop/offices to builders yard	Conditions 11/07/88
87/718	Small builders yard and associated DIY centre	Conditions 17/02/88
86/226	Window blind workshop	Conditions 20/05/86
85/850	Housing development. 4 pairs of semi detached houses.	Withdrawn 18/02/86
84/1526	Renewal of permission for a haulage depot (outline)	Conditions 29/01/85
78/1270	Outline for haulage yard etc	Conditions 28/11/81
78/1037	Retention of caravan to be used as office in connection with haulage yard	Refused 20/12/78
76/1273	Site to be re-graded to form haulage yard with standing area for 3 lorries and small storage area	Conditions 14/06/77
76/1169	Haulage yard	Withdrawn 17/01/77

PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. No letters of objection or representation have been received.

CONSULTATION

Transportation Section – no objections subject to conditions.

Land Reclamation and Engineering – the drainage arrangements submitted are satisfactory. Subject to construction as per the submitted details there will be no requirement for a flood risk management condition.

Public Health and Protection Section - no objections subject to conditions including hours of working during construction.

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

Countryside, Landscape and Ecology – no objections and no SewBrec records of statutory protected species have been found in the immediate vicinity.

South Wales Fire and Rescue – no objections subject to adequate water supplies being provided and access for emergency vehicles.

Wales and West Utilities – no objection subject to standard advice regarding location of apparatus.

Natural Resources Wales – raise no objections.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

The application site is identified as within the residential settlement boundary of Taffs Well and is unallocated.

Policy CS2 – Development in the South.

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 – requires new development to be in a sustainable location.

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

Policy AW6 – outlines types of development criteria that will be supported, including the following:

- A high standard of design;
- Design appropriate to the local context;
- An integrated mixture of uses appropriate to the scale of the development; and
- An efficient use of land.

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.

Chapter 4 (Planning for Sustainability)

Chapter 8 (Transport)

Chapter 9 (Housing)

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 application site lies within settlement limits and in an area of mixed character, containing both residential and commercial uses. Being mindful of the recent grant of planning permission for a similar development of 8 one bedroom flats on the site, the principle of development is considered acceptable.

The key considerations with regards to the application have been determined as the impact of the development on the character and appearance of the area, the residential amenities of those living closest to the site and highway safety.

Character and Appearance of the Area

The area immediately adjacent to the site is characterised by a mix of commercial/community uses, and residential properties. The residential properties in close proximity to the site comprise a variety of detached, semi-detached and link/terraced dwellings and bungalows. In this instance it is considered that the development proposed as a result of its design, massing, size and scale would create the impression of four, two storey dwellings in keeping with the overall character and appearance of the area.

As specified above the development would comprise eight, one bedroom flats located to the east of the existing building Mill House. It is considered that the scale of the development proposed in association with its siting and orientation would result in a development that would sit comfortably with the layout of the surrounding area which is quite sporadic.

The previously approved scheme indicated the development of four ground floor flats set on the same finished floor level. The plans submitted as part of the current application indicate a terraced arrangement following the topography and contours of

the site. Although the increasing height of the floor levels from west to east would make parts of the development more visible from Caerphilly Road, it is considered that such a design would help minimise the level of cut and fill and would be more in keeping with the overall topography of the area than the previous scheme.

The details submitted specify external finishes of render, facing brick and concrete roof tiles. It is considered that the materials proposed would be complementary to the existing surrounding residential development, and to Mill House itself and therefore help assimilate the development further.

The plans submitted indicate the provision of communal open space on all sides of the building. It is considered that the level of amenity space proposed would be sufficient for the residents use and would help to offset the proposal and prevent the appearance of overdevelopment of the plot.

On the basis of the above, it is considered that the development proposed would be in keeping with the overall character and appearance of the area and is compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

As specified above the units would appear as a terrace of four dwellings positioned centrally within the site running from west to east. The principle elevation would face northwards towards the embankment of the A4054. Although there are a number of dwellings located to the south of the site, details submitted as part of the application indicate the maintenance of 21m distance between the windows in the development and the residential properties to the south. Whilst the proposed changes in floor levels across could lead to an increased perception of overlooking, being mindful of the distance maintained in association with the size and scale of the development proposed, it is considered that the proposal would not generate a level of overlooking or loss of privacy, increased overshadowing or loss of light significantly detrimental to the amenities of those living closest to the site.

At the time of inspection it was noted that some vegetation along the southern boundary of the site had been removed to facilitate the insertion of new and additional gabion baskets along the side of the watercourse. The proposed landscaping plans do indicate the provision of replacement trees and shrubs on completion of the works. Whilst the removal of the trees and shrubs raised some concerns as part of the previous application, no representations have been raised with regard to the current proposal. Irrespective of this it is considered that the distance maintained between the existing and proposed properties will prevent the development from having a detrimental impact on the privacy and amenity of those living to the south of the site. Full landscaping details indicating all new boundary details and replacement planting has been submitted as part of the current application. It is considered that the details submitted are acceptable and will help prevent the development from having a detrimental impact on the character and appearance of the area and the amenity of those living closest to the site.

With regard to the construction phase of the development and any disturbance this may cause, the Public Health and Protection Section have recommended that construction work be carried out between certain hours only, which will minimise the effects on the amenity of neighbouring residential properties. Such a condition could be added to any grant of consent.

On the basis of the above, it is considered that the development proposed would not have a significantly detrimental impact on the residential amenity of those living closest to the site and is therefore compliant with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

The plans submitted indicate that the development would be served via the existing access off the adopted highway, at the end of a cul-de-sac via a private driveway. The public highway leading to the site is considered to have sufficient capacity to serve the proposed development. Following consultation the Council's Transportation Section have provided the following comments:

“In accordance with RCT’s SPG requirements, the proposed eight, 1 bedroom flats would require a maximum of 16 on-site spaces to be provided. However, a minimum level of 8 spaces would be acceptable considering the proposal is for affordable housing accommodation and that services are within walking distances of the site along the A4054 Cardiff Road.”

As a result, no objection is raised to the application subject to the imposition of conditions

Being mindful of the modest size of each unit, it is considered unlikely that they would attract families with multiple cars in their ownership. The proposal is therefore considered acceptable in terms of its impact on highway safety and is in keeping with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

OTHER MATTERS

As specified above, the plans indicate the provision and renewal of gabion baskets along the bank of the watercourse and the installation of additional gabion baskets in some locations. A hydrological impact assessment has been submitted as part of the current application and considered by the Land Reclamation and Drainage Team who have raised no objection to the works proposed. The works to the watercourse would also require a separate Land Drainage Consent from the Authority. It is therefore considered that the information submitted with the proposal is sufficient to determine the application. The maintenance of the other side of the embankment is the responsibility of the land owner.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval subject to the following conditions.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

The developer will be required to enter into a Section 106 agreement to ensure that the development would be secured for affordable housing.

It is considered that this requirement meets all of the above tests and is compliant with the relevant legislation.

RECOMMENDATION: Grant

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

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

2. 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) Not 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 AW5 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until foul and surface water drainage arrangements, including a hydrological impact assessment, have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted plans.

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

Development Plan.

4. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
 1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 3. A written method statement for the remediation of contamination affecting the site

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

5. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 4) 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 interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. If during development works any contamination is 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 the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

7. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever

is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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APPLICATION NO: 14/0715/38 (EL)
APPLICANT: Mr Kevin Stephens
DEVELOPMENT: Discharge of a Section 106 planning obligation 01/4230 - Drainage
LOCATION: LAND AT THE REAR OF NANT-Y-MYNYDD (PREVIOUSLY KNOWN AS RISING WOOD), COEDYCWYM, PONTYPRIDD
DATE REGISTERED: 06/06/2014
ELECTORAL DIVISION: Ynysybwl

RECOMMENDATION: Discharge Section 106 Planning Obligation

REASONS:

When assessed against current circumstances, it is considered that the Section 106 Agreement would fail to meet the relevant tests set out in Circular 13/97 (Planning Obligations). Most notably because enforcement powers exist, under other separate legislation, to ensure that its primary purpose, i.e. to ensure that the watercourse remains free from obstructions, is fulfilled.

APPLICATION DETAILS

Full planning permission is sought to discharge the requirements of a Section 106 Planning Obligation (S106), which was prepared in connection with planning application 01/4230/13.

The Section 106 Agreement requires the applicant to undertake certain maintenance works to a watercourse, which is located on a parcel of land between Nant-y-Mynydd and Hafan Heulog, Coed-y-Cwm. The Agreement requires that the maintenance of the watercourse be undertaken on an annual basis.

The Fourth Schedule of the Section 106 Agreement is set out as follows:

1. The line of the existing channel (“the channel”) shall be cleared out along its whole length (“the works”) and any excess materials or debris arising from the works shall be removed from the land.
2. The works shall be carried out in a sound substantial and worklike manner and in accordance with the written particulars and section on Plan no. 2 and also the letter of the 13th June 2003 from the owner to the Council, a copy of which is annexed to this Agreement.
3. The works shall be maintained by the owner so as to ensure that the channel operates effectively without erosion or blockage or overflow and that the sectional profile shown on Plan no.2 is maintained.
4. Without prejudice to paragraphs 2 and 3 above the owner shall ensure that the channel is cleared at least once a year of any debris vegetation or other material and any such material shall be removed from the land.

The Agreement therefore effectively requires the land owner to undertake annual maintenance works, to ensure that the drainage channel operates effectively without erosion blockage or overflow.

In his current submission, the applicant asserts that the channel currently serves no purpose, “having outlived its original usefulness.” In his supporting statement, the applicant comments that, at the time of the agreement 11 years ago, there was very little vegetation on the land in question and therefore water run-off could be a quick process; as such a flood defence channel was required. However, they comment that in the 11 years that have passed, vegetation, including tall trees, small dense bushes, brambles and grass have grown. As a result, it is claimed that there is no water run-off on the land and no water enters the channel. It is commented that what water there is in the channel is formed from its own catchment area of the channel bunds and puddles only because of the disposal of building waste and chopped trees in the channel (by occupiers of neighbouring properties). It is commented that there is not enough water to create a flow within the channel and what water there is on site soaks away into the ground across the whole area.

SITE APPRAISAL

The application site consists of a parcel of land located between two streets, within the residential estate of Coed-Y-Cwm, Pontypridd. Hafan Heulog is located to the west of the site, with Nant-y-Mynydd to the east. There is a change in level across the site, with the properties on Nant-y-Mynydd being situated at a lower ground level. The watercourse/ channel, which is the subject of this Agreement runs from north to south across the parcel of land and extends to approximately 200 metres in length. At the southern most point it is understood that the open channel connects with a culverted watercourse, which passes under the highway (Ffordd-Y-Bedol).

PLANNING HISTORY

09/0352	Land adj 37 Hafan Heulog, Coed-Y-Cwm	Dwelling and associated engineering works	Refused 08/05/09
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08/1020	Land adj 37 Hafan Heulog, Coed-Y-Cwm	Dwelling and associated engineering works	Refused 19/08/08
00/4022	Land at Rising Wood, Coed-y-Cwm	Residential development (outline)	Withdrawn 28/11/00
01/4230	Land at Rising Wood, Coed-y-Cwm	Residential development (outline)	Granted with Conditions 15/09/03
96/4365	Land at Rising Wood, Coed-y-Cwm	Proposed retention of tipping operations	Refused 10/07/98

PUBLICITY

The application was advertised by direct neighbour notification and site notice. Nine letters of representation have been received, which are summarised as follows:

- It is commented at present there is no 'established drainage channel', as the landowner has not maintained the channel for a number of years.
- As such, it is commented that stagnant water pools in the channel to a depth of approximately 10cms.
- It is noted that the trees and foliage on the site have grown substantially over the years, but residents problems with drainage remain the same.
- It is commented that it is evident that the landowner has failed to comply with his legal obligations under the Section 106 Agreement, having never maintained the channel, and it is asked that action be taken to ensure that the landowner re-establishes the channel and undertakes the annual maintenance required.
- Residents comment that if the applicant is discharged of his responsibilities, then they do not wish to be made solely or jointly responsible for the financial costs of maintaining drainage in this area, or any subsequent damage that may be caused to properties in the streets below.
- It is commented that drainage in the area has always been an issue and remains to be so.
- It is commented that certain residents have experienced flooding to their properties and they do not feel that relying on the presence of vegetation on the site is adequate to protect people and property from water damage. It is also commented that the vegetation in question could be cleared from the site at any point.
- It is commented that many residents, particularly those on Nant-y-Mynydd experience problems with land drainage. It is commented that gardens are often water-logged and they believe this is due to the fact that the landowner has never maintained the channel in question.
- It is commented that there is a continuous flow of water through their rear garden, lawn and patio areas, making them unusable and water logged.
- It is commented that the drainage ditch in question is so overgrown that it prevents any flow of water.

- Concern is expressed that it is only a matter of time, before the water causes structural damage to properties.
- It is also commented that the area to the rear of the properties has become so overgrown that it blocks light to the rear of neighbouring properties.

CONSULTATION

Land Reclamation and Drainage – no objections raised.

It is recommended that the applicant be discharged of their responsibilities under the Section 106 Obligation to maintain the watercourse on an annual basis. It is commented that the Authority has the benefit of enforcement powers under the Land Drainage Act to ensure that the riparian owner removes any obstructions from the watercourse which may impede its flow.

Legal Services - the test for the Council in determining the application is whether the obligation serves a useful purpose. If the Council (having taken the advice of the relevant drainage consultees) is satisfied that the requirements set out in the Agreement no longer serve a useful purpose then the Agreement should be discharged. If the Council is not so satisfied then its decision should be that the Section 106 Agreement shall continue to have effect without modification.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the defined settlement limits of Coed-y-Cwm.

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 AW10 - refers to Environmental Protection and Public Health. Development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity, due to amongst other factors, water pollution and flooding.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution), 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 15: Development and Flood Risk:

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

As set out above, this application seeks to discharge the requirements of a Section 106 Planning Obligation, which was prepared in connection with planning application 01/4230/13.

The Section 106 Agreement requires the applicant to undertake certain maintenance works to a watercourse, which is located on a parcel of land between Nant-y-Mynydd and Hafan Heulog, Coed-y-Cwm. The Agreement requires that the maintenance of the watercourse be undertaken on an annual basis.

The test for the Council in determining this application is whether the obligation serves a useful purpose. If the Council (having taken the advice of the relevant drainage consultees) is satisfied that the requirements, set out in the Agreement, no longer serve a useful purpose then the Agreement should be discharged. If the Council is not so satisfied then its decision should be that the Section 106 Agreement shall continue to have effect without modification. Therefore, the comments of the Council's Land Drainage Section are key in the determination of the current planning application.

Background to the Section 106 Agreement

In order to aid in the assessment of the submission upon land drainage and potential flood risk, consultation has been undertaken with the Council's Land Reclamation and Drainage Section. Their assessment confirms that the key elements of the planning obligation, are effectively divided into two parts. The first part of the obligation, covered under points 1 and 2 (of the Fourth Schedule) require the applicant to clear the line of the channel in a 'work-like manner' and in accordance with a plan, which forms part of the Agreement. These initial clearance works would have been undertaken shortly after the approval of the planning permission and S106 Agreement. The second part of the obligation requires that a) the channel shall be maintained so that it operates without erosion blockage or overflow and b) that the channel shall be cleared of vegetation or other material on an annual basis. These are on-going requirements, which form the main considerations in the assessment of the current planning application.

Circular 13/97 (Planning Obligations) sets out the main tests that any planning obligation must meet in order to be considered reasonable. These include ensuring that the requirements of the obligations are:

- Necessary
- Relevant to planning

- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the proposed development
- Reasonable in all other respects.

Therefore, the current application must assess, whether under current circumstances, the requirements of the S106, most notably points 3 and 4 (of the Fourth Schedule) meet these tests.

As noted above, the S106 Agreement was prepared in connection with planning application 01/230, which sought permission for residential development on a parcel of land accessed off Hafan Heulog. Having reviewed the original planning application file and Committee report it is apparent that no objections were raised to this application by either the Council's Land Drainage Section or the Environment Agency (now NRW). Furthermore, it appears that the applicant had expressed, as part of their submission, a willingness to carry out maintenance/ improvement works to the channel in question. This channel was located outside of the redline boundary for the application site, but on land within the applicant's control (identified by a blue line boundary). As such, it appears that the agreement arose largely from an offer of works, as proposed by the applicant, rather than a formal request for such improvements by a statutory consultee.

Surface Water Flooding Assessment

As set out above, in order to aid in the assessment of the submission upon land drainage and potential flood risk, consultation has been undertaken with the Council's Land Reclamation and Drainage Section.

A site visit and a review of the catchment area has been undertaken, with a view to gaining an understanding of the hydrology of the area and the purpose that the watercourse currently serves. Through this assessment they have been able to establish that, due to the topography of the area, only the vegetated area, which is located directly above the watercourse (to its west), forms the catchment for the watercourse. This equates to a relatively small parcel of undeveloped land, which is covered by trees and vegetation, extending to an area of approximately 1800m² / 0.18ha. Aside from being a relatively a small catchment area, it is noted that the fact that the land is 'greenfield' in nature means that a certain amount of surface water falling on this area would naturally soak-away into the ground, thereby further reducing the potential volumes of water that the channel would need to convey. It is acknowledged that adjacent (and above) this undeveloped parcel is the residential street of Hafan Heulog, which includes the development that was subject to the 2001 planning application. However, the Land Drainage Section have confirmed that surface water run-off generated by this construction does not connect with the channel in question and it is apparent that surface water drainage is located within the highway of Hafan Heulog.

It is also important to note that the watercourse in question is not sourced from an issue and therefore does not have a base flow. The watercourse is reactive to rainfall and any flow identified in the watercourse can be attributed to the interception of surface water run-off from the small catchment above. As such, there is not a

constant flow through the channel and it is considered that during times of low rainfall, the watercourse will have no flow and will often be dry.

In addition to these points, it is noted that a review of Natural Resources Wales' updated flood maps for surface water in the area, indicates that the properties located in the vicinity of the channel (most notably Nant-Y-Mynydd) are defined as being at a 'very low risk' of surface water flooding. Natural Resources Wales define a 'very low risk of surface water flooding' as meaning that each year, the area has a chance of flooding of less than 1 in 1000 (0.1%).

Section 106 – Works undertaken to date.

As set out above, it is the second part of the agreement, with which the current application is primarily concerned. This requires the applicant to clear the channel on an annual basis. It is noted that within the letters of representation received, concern is expressed by residents that despite the requirements of the S106 Agreement, the applicant has never undertaken this annual maintenance.

The terms of the S106 require that the annual maintenance of the watercourse is in accordance with a plan which accompanies the Agreement. This plan specifies the requirement for the minimum dimensions of the watercourse to be 0.8m in width and 0.9m in depth, with clearance works to be undertaken by hand and minimal disturbance to the vegetation adjacent to the watercourse.

It is understood that maintenance of the watercourse was undertaken by the applicant in 2007. At this time, the maintenance was undertaken by a tracked machine, which cleared the route of the channel. In addition to clearing the route, it is noted that these works resulted in the dimensions of the watercourse channel being increased significantly above the required dimensions, referenced in the Section 106. The result is that the watercourse is currently oversized from what was required by the Agreement, offering a greater capacity than that provided at the time of the implementation of the Section 106. Whilst it is acknowledged that over time a certain amount of vegetation has grown within the channel itself, it is not considered that this, when combined with the increased capacity of the channel and the relatively small catchment area it serves, would unacceptably impede the flow of water through the channel.

Neighbouring Representations

Following the publicity of the planning application, a number of representations have been received from the occupiers of neighbouring properties. These residents are located along Nant-y-Mynydd, which lies at a lower level, to the east of the watercourse. Their letters are summarised in full above, however, their key concern appears to relate to the fact that a number of occupiers have experienced a flow of water through their rear gardens, making them unusable and water logged.

In this regard it is important to understand whether the pooling of water within the gardens of neighbouring properties can be attributed to the flows, which the channel in question should convey or another source.

The Council's Land Drainage Section have confirmed that since the implementation of the Section 106 Agreement in 2003, their records reveal that they have received five customer contacts, from properties on Nant-Y-Mynydd, which raised land drainage issues. It is commented that three of these cases related to vegetation clearance requests; with the remaining two relating to water seepage through retaining walls. It is commented that each of these cases were investigated by the Council's Land Drainage Section, with the results finding that the instances of water seepage were attributed to groundwater issues and were not caused as a result of the overtopping of the watercourse, which is located to the rear of the properties.

As such, whilst it is not disputed that a number of residents on Nant-y-Mynydd have experienced issues relating to water collecting within the rear gardens of their properties, there is no evidence to suggest that this is as a result of any inefficiencies within the design or capacity of the watercourse in question. Rather, it is considered that such matters are likely to be attributed to groundwater issues, which are exacerbated when sloping land is developed and embankments are cut creating the need for retaining structures.

Enforcement Powers

On the basis of the issues identified above, it is considered that the requirement for the applicant to undertake annual maintenance to a watercourse, which is not sourced from an issue and therefore does not have a base flow, and only conveys surface water run-off from a small catchment area may be regarded as both unnecessary and unreasonable.

However, neighbours express some concern that if the Agreement is entirely discharged and an extreme event occurs or the channel does become blocked, that the results of this would impact directly upon their properties. In this regard it is important to give consideration to the Land Drainage Act 1991. This places certain responsibilities on land owners to ensure watercourses are appropriately maintained.

The Council's Land Drainage Section has confirmed that the Authority benefits from certain enforcement powers under Section 25 of the Land Drainage Act 1991. Section 25 of the Act states that where any ordinary watercourse is in such a condition that the proper flow of water is impeded, the Authority concerned may, by notice served on a person, require that person to remedy that condition. As such, even if the requirements of the S106 were discharged, the Council would still have enforcement powers (under separate legislation) to serve notice on the land owner (known as the riparian owner) requiring them to undertake whatever works are necessary, including clearance of the channel, to maintain flow within their watercourse.

Whilst it is acknowledged that such enforcement powers are unlikely to be exercised on an annual basis, they would be exercised if and when the Authority considers there to be an impediment to flow. As such, in many respects the requirements of the Section 106 Agreement duplicate enforcement powers which already exist under separate legislation.

Conclusions

Having taken account of all of the above matters in detail, the comments of the Council's Land Drainage Section conclude by setting out the following the main points, which are the key considerations in the determination of the application:

- Following an assessment of the risk posed by surface water flooding, based on a site visit assessment and data provided by Natural Resources Wales, the risk to the properties located in the vicinity of the site from surface water flooding is currently considered to be very low.
- The capacity of the watercourse has been increased (above what was originally required by the Section 106 Agreement) following maintenance works undertaken in 2007;
- No site visits have identified the overtopping of the watercourse due to an obstruction to flow; and
- There are enforcement powers available to the Authority to maintain flow within the watercourse, which are separate to the requirements of the Section 106.

On the basis of the above, their response concludes by stating that no objections are raised by the Council's Land Drainage Section, to the discharge of the Section 106 Obligation.

As such, when assessed against current circumstances, it is considered that the S106 Agreement would fail to meet the relevant tests set out in Circular 13/97 (Planning Obligations). Most notably because enforcement powers exist, under other separate legislation, to ensure that its primary purpose, i.e. to ensure that the watercourse remains free from obstructions, is fulfilled.

Therefore it is recommended that the application should be approved and the Agreement be discharged.

RECOMMENDATION: Approve and the Section 106 Agreement be discharged.

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APPLICATION NO:	14/0937/08	(CHJ)
APPLICANT:	Rhondda Cynon Taf County Borough Council	
DEVELOPMENT:	New play area	
LOCATION:	YNYSSANGHARAD PARK WAR MEMORIAL, PONTYPRIDD, CF37 4PE	
DATE REGISTERED:	17/07/2014	
ELECTORAL DIVISION:	Trallwn	

RECOMMENDATION: Approve

REASONS:

The development constitutes a significant investment into the facilities and enjoyment of the Park. In connection with the redevelopment of the historic Lido it will help make the Park a unique destination for both residents of the area and visitors to the town. The application complies with the relevant policies of the Local Development Plan in respect of the principle of development; the impact on the character and appearance of the locality; the impact on the Grade II listed status, adjacent Listed Building & Conservation Area:- and in terms of site accessibility and the promotion of healthy and active lifestyles. No objections have been raised either by local residents or Cadw.

APPLICATION DETAILS

Full planning permission is sought to construct a children's play facility at Ynysangharad War Memorial Park Lido.

It is proposed to erect the playground directly on the site of the former paddling pool. The circular form of the proposed development will respect the size and location of the original pool, whilst the incorporation of materials and design cues, will also reference its former use.

The diameter of the play area, at 36m, will give a total surface area of approximately 1018m².

The site will accommodate twenty-six separate items of play and seating equipment. These will range from a number of similar sized pieces such as 'The Apple Tree', with a length of 2m and height of 1.8m, to the largest item 'Chainworks', at 12m long and with a maximum height of 6.7m.

The circumference of the playground will be demarcated by concrete kerb edging, with non-continuous sections of post and rope fencing to identify access/egress points.

The base of the site will be constructed from porous safety surfacing, in a range of colours to represent land, water and sand, interspersed with occasional white designs such as swans and clouds.

Information obtained from the supplier demonstrates that the play equipment is primarily made from timber with the use of colour panels. Other materials including high grade stainless steel will be incorporated for items as the slides and swings.

It is intended that the new play area will provide a continuous link and permeability to the existing children's play area to the north, the redevelopment of the Lido and cafe to the south, and the existing network of footpaths within the wider Park.

SITE APPRAISAL

The proposed development site is within the Grade II Listed Ynysangharad War Memorial Park and towards the western boundary delineated by the River Taff.

The site itself, also within the Pontypridd Conservation Area, used to be the location of a children's paddling pool sited adjacent to the Grade II Listed Lido. Currently the site consists of a fenced builder's compound containing rubble and equipment associated with the restoration of the latter.

The application site is well served by a network of footpaths, with the internal service road running past immediately to the west. The current children's play area lies to the north, the historic Lido building under restoration to the south, with parkland to the east. Within short distance, the location is surrounded by other amenity and leisure uses.

Access to the whole of the park is possible via the town centre footbridge, at Bridge Street and to the south east as far as Lewistown Park (Broadway). Town centre car parks are also close by, with convenient public transport links to the bus or rail network.

PLANNING HISTORY

94/0588	Main entrance and entrance sign.	Granted 19/09/94
94/0781	Advertisement hoarding.	Granted 14/12/94
94/0783	Advertisement hoarding. Decision	Granted 14/12/94
00/2786	Erection of CCTV camera and microwave transmitter on bridge leading into Ynysangharad Park, Pontypridd.	Permitted Development 11/01/01
01/3101	Installation of a control kiosk, with landscaping and erection of a vent pipe. Decision	Granted 15/02/02
12/0535	Restoration of the Ynysangharad Park Grade II listed Lido to an operational facility.	Granted 03/10/12
12/0536	Restoration of the Ynysangharad Park Grade II listed Lido to an operational facility.	Granted 28/09/12
13/1006	Demolition of existing reinforced concrete paddling pool. (Conservation Area Consent determined by Welsh Minister)	
13/0796	Alterations to approved plans for Grade II Ynysangharad War Memorial Park Lido (Listed Building Consent)	Granted 19/09/13

PUBLICITY

The closest commercial properties to the application site are located on Taff Street to the west, the backs of which are at least 85m away and separated by the River Taff. There are not considered to be any individual properties or dwellings affected by this application. Accordingly, three site notices were posted at the following locations:

- on the gate to the northern pedestrian entrance at Bridge Street,
- a post between the refreshment kiosk and current play area, and
- on the footbridge between Taff Street and western entrance to Ynysangharad Park.

In addition and with regard to the Conservation Area, the development proposals were publicised in the Western Mail.

No comments (objection / support) were received as a result.

CONSULTATION

Observations have been requested from the following:

Natural Resources Wales - no objections.

Conservation officer - no objections.

Cadw - the proposed play area is in keeping with both the registered park itself and with the general ethos behind public parks, and will benefit Ynysangharad Park.

Highways - good transport links, public car parks and variety of local businesses. No objections raised or conditions suggested.

Drainage - no objection.

Parks & Leisure - no objections.

Public Health and Protection - no objections.

Mid Glamorgan Fire Service - no comments received.

Countryside, Landscape, Ecology - no objections.

Pontypridd Town Council - no comments received.

Trustees of Ynysangharad Park - no comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Pontypridd

Policy AW2 - 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 AW7 - protection and enhancement of the built environment

Policy CS2 - development in the south

Policy SSA 1 - Development in the Principal Town of Pontypridd

Policy SSA 2 - Pontypridd Town Centre Enhancement

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 Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 15 – Development and Flood Risk

PPW Technical Advice Note 16 – Sport, Recreation and Open Space

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the provision of a play facility, set within the context of a wider recreation, leisure and sporting site, and identified as such with the LDP. The application location forms part of the area identified by LDP Policy CS 2 – Development in the South.

The policy is particularly supportive where the proposals involve the promotion of large-scale regeneration schemes in the principal town of Pontypridd; and given that this is part of a larger restoration project within Ynysangharad Park, the principle of the proposed development is acceptable.

Impact on the character and appearance of the area

There are a number of constraints applicable to the application site which should be taken into account in determining the suitability of the proposals. In particular the site falls within the Pontypridd Town Conservation Area, is part of a Registered Historic Park and Garden and is adjacent to the Grade II Listed Lido. The playground proposals must demonstrate that they do not detract from the setting and also respect the characteristics which ensured the recognition of any such status.

In this regard, the views of both Cadw and the Council's own Conservation Officer are fundamental in the assessment of the potential for the scheme to impact on the setting of the Listed Building. The consultation responses received from both underline the appropriateness of the proposals. Cadw, in particular, has stated that *"The design, shape and extent of the proposed play are echoes the former paddling pool, which is welcome. The scale, density and materials (timber) are sympathetic to the urban park setting and it has been designed to be accessible to children of all ages and abilities."* Most importantly as noted earlier, their view is that the proposals are in keeping with the Registered Park.

Likewise, the Council's Conservation Officer is supportive of the proposals, recognising the permeability and openness of the design, and that the scale of the development and size of equipment will not detract from the Lido building.

In terms of the impact on the character and appearance of the area, the proposed play area is considered to be acceptable and in accordance with SSA1 and AW7 of the LDP.

Accessibility and Transport

The play area has been designed to benefit children of all ages and include pieces of equipment for use by children with mobility or sensory impairments and learning difficulties. It is extremely accessible by virtue of its internal arrangement, lack of gradient and absence of steps.

The good transport links to the Park, whether by car, foot, cycle or public transport illustrate that the playground would be located in one of the most accessible parts of Pontypridd. Policy AW6 is supportive of proposals which demonstrate a high level of connectivity to existing centres and by a wide range of sustainable transports; and these links have been recognised in the comments received from the Highways Section.

Community Safety

The applicant's Design and Access Statement makes reference to the necessity of ensuring safety as a priority, both in terms of the design and layout of the equipment, and the security of any park users. It acknowledges the choice of equipment for a range of users and how it has been placed with relevance to ability and age group in order to discourage conflict.

Again, the permeability of the site is a distinct advantage, where it is in a position to be more easily supervised and monitored, and the openness of the site allows for natural surveillance.

Impact on the Flood Zone

The development falls within a C2 flood zone (as defined by the Environment Agency DAM maps), and this designation can warrant the submission of a Flood Consequence Assessment (FCA). However, the proximity to other leisure and recreation buildings within the same site has already been noted above. Particularly with regard to the Lido, a Flood Management Plan already exists (it was a conditional requirement of that consent). This contains protocol relating to actions required in the event of expected or actual flooding, communication links and a recovery strategy. The plan states that should the play area be granted consent, it will be updated to reflect the inclusion of this additional area.

Therefore, the historical and continuing use of the site and the extant flood management plan means it is not necessary to repeat the FCA process in regard to this application. Natural Resources Wales has commented that it does not object to the proposal. It is suggested that with regards to the risk of the 1% and 0.1% annual probability fluvial flood outlines of the River Taff, that the developer is advised of the flood risks, and to install flood-proofing measures as part of the development however, these comments relate principally to the redevelopment within the park, the details of which were fully considered as part of the application on the Lido building.

Conclusion

It is considered the proposal is appropriate in the context of the use and enjoyment of the Park and it has been demonstrated that the scheme will not have a detrimental impact upon the character and appearance of the setting of the Registered Park or the Listed Building within it. The site is a sustainable, accessible location, will not exacerbate any flood zone issues and is therefore considered to comply with the relevant policies of the Local Development Plan (AW2 AW5, AW6, AW7, AW14 and policies CS2, SSA1 & SSA2).

RECOMMENDATION: Grant

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

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

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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

4 SEPTEMBER 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File

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