

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE  
4 DECEMBER 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 6</b>
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**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.14/0999 - Erection of timber decking and fencing to accommodate external seating area. (Amended plans received 09/10/2014), La Luna Restaurant, 79-81 Talbot Road, Talbot Green, Pontyclun.
2. Application No.14/1014 - Installation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm, Maes Bach, Willowford Road, Tonteg, Pontypridd.
3. Application No.14/1177 - Change of use from library to children's soft play centre, The Library, Church Street, Penrhiwceiber, Mountain Ash.

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## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 14/0999/10 (CPU)  
**APPLICANT:** La Luna  
**DEVELOPMENT:** Erection of timber decking and fencing to accommodate external seating area. (Amended plans received 09/10/2014)  
**LOCATION:** LA LUNA RESTAURANT, 79-81 TALBOT ROAD, TALBOT GREEN, PONTYCLUN, CF72 8AE  
**DATE REGISTERED:** 09/10/2014  
**ELECTORAL DIVISION:** Talbot Green

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**RECOMMENDATION:** Approve

**REASONS:**

**The application is considered to be acceptable in respect of its visual impact and the impact it has on the amenity and privacy of the neighbouring residential properties.**

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### APPLICATION DETAILS

Full planning permission is sought for the erection of timber decking and fencing to the rear of La Luna Restaurant, 79-81 Talbot Road, Talbot Green. The application is made partly in retrospect in that at the time of the officer's site visit, the timber posts for the fencing had already been erected and the decking area had also been partially constructed.

When completed, the works would facilitate three areas of decking adjacent to the north-eastern (side) boundary and the north-western (rear) boundary. Cumulatively, this would provide an area measuring 4.85 metres at its widest point by 11.7 metres in length. The decking would be elevated at a maximum height of 0.5 metres from ground level and a timber screen measuring 2.4 metres in height would enclose the side and rear of the deck. Access would be achieved through an existing first floor patio door and then via an existing galvanised walkway.

The Design and Access Statement (DAS) that accompanies the application states that it is the applicant's vision to add to the existing restaurant facilities by creating an external seating area.

### SITE APPRAISAL

The application site relates to a restaurant situated within the retail centre of Talbot Green. The premise was originally two properties and has a double frontage onto Talbot Road with an entrance porch being located within the centre of the front

facade. The rear curtilage of the premise still retains a strong degree of separation along what would have been the original boundary between the two properties. The decked area proposed under this application is located within the far eastern half of the application property. It is positioned between the applicant's timber storage sheds and the boundary with the adjoining commercial property known as 83 Talbot Road. To the rear, the decked area is bound by the gardens of numbers 29 and 31 Danygraig Crescent. These two properties are located on a higher level and their gardens are enclosed from the restaurant by a boundary wall and vegetation. To the south-west, on the opposite side of the application property, there are residential flats located to the rear of 77 Talbot Road.

## PLANNING HISTORY

90/0243	Change of use of hairdressing salon to restaurant at 81 Talbot Road.	Granted 29/06/90
87/0491	Conversion of loft to bedroom and patio at 79 Talbot Road.	Granted rear raised 29/06/87
87/0064	Conversion of ground floor into restaurant and construction of rear extension at 79 Talbot Road.	Granted 31/03/87

## PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. 4 letters of objection have been received from residents raising the following concerns:

- Noise, smoke and disturbance to neighbouring properties as a result of the use of the outside area;
- The proposed seating area has a clear view of the windows and decking area situated to the rear of 29 Danygraig Crescent;
- The plans submitted to not correspond with the works currently taking place adjacent to the rear boundary of the application site;
- The proposed development is obtrusive and would detract from the enjoyment of residential properties surrounding the site;
- The smoking area used at present is intrusive and a cause of annoyance. A greater area of space would significantly increase the noise levels experienced by the residents of Dan Y Graig Crescent;
- The fencing enclosure which has already been erected is unsightly and is not a suitable height to prevent staff and customers from looking into the adjacent first floor flat located at 77E Talbot Road.

## CONSULTATION

Transportation Section - has raised no objection.

Public Health and Protection - has raised no objection.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**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 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 7 (Economic Development), 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 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**

This application seeks planning permission for the erection of timber decking and fencing to accommodate an external seating area to be used in association with the brasserie restaurant known as 'La Luna'. The use of the rear 'garden' for outside eating and drinking falls within the previously approved planning unit of the restaurant and does not therefore constitute a material change of use of the land which would require a separate planning consent. Therefore, the development which is being considered under this application solely relates to the erection of a

timber decked area and timber fencing. The principle of the development is considered to be acceptable subject to an assessment of the visual impact of the works proposed and the impact on the amenity and privacy of neighbouring properties.

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

The original plans submitted with this application indicated the erection of an elevated seating area above a flat roof extension which is located adjacent to the back wall of the restaurant. However, it became apparent during the officer's site visit that a decking area was being erected to the rear of the curtilage. These works had not been indicated on the submitted plans and subsequently, amended plans have been submitted to the Local Planning Authority. These plans omit the seating area which was originally proposed adjacent to the back wall of the property and now include three areas of decking and timber fencing to the rear of the curtilage and adjacent to the boundary with numbers 29 and 31 Danygraig Crescent.

The proposed decking is considered to be acceptable in terms of its scale, design and overall visual appearance. It is positioned to the rear of the property and is not considered to result in a prominent or overly obtrusive feature within the immediate vicinity. The timber fencing which would form a 2.4 metre high screen would be higher than a more conventional 1.8 metre high enclosure. However, it would not appear overly out of place nor would it be seen from any public vantage point. The concerns raised by a neighbouring resident regarding the visual impact of the existing fencing which has been erected at the premise is acknowledged. However, the development is considered to have an acceptable impact upon the visual amenity of the existing building and the surrounding area.

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

It is fully appreciated that the application site is bound by residential properties and the use of the outside area could result in an increased level of noise and disturbance to the properties located directly to the rear and also the residential flats to the south-west. However, as indicated earlier, the use of the outside 'garden' area falls within the existing planning unit of the restaurant and does not constitute a material change in the use of the land. Therefore, the outside space can be used as a seating area without the need for planning permission and this application can therefore only consider the physical or operational development proposed which is the erection of a timber deck and timber fencing.

In this respect, it is not considered that the decked area or the timber fencing would be of a design, scale or height which would result in a significant loss in amenity. The top area of deck which would be positioned immediately adjacent to the rear boundaries of numbers 29 and 31 Danygraig Crescent would be elevated 0.5 metres above the existing ground level. The two remaining sections of decking would be further stepped down on a slightly lower level. The properties located at Danygraig Crescent are elevated above the application site and the rear elevations of number 29 and 31 are positioned a minimum distance of 15 metres from the rear boundary.

The proposed decked areas would be of a similar height to the existing ground level and consequently, it is not considered that the development would result in a significant loss in privacy. Furthermore, the decked area would be enclosed to the side and rear by a 2.4 metre high screen which would further limit any potential overlooking to Danygraig Crescent and also the residential flats located at number 77 Talbot Road. It is acknowledged that the construction of a decked area would provide a better facility for an outside seating area and this could potentially increase the likelihood of this space being used. Members will however be aware that noise and disturbance can be controlled under the Public Health Legislation, outside of the planning process, where the use in itself is permitted under the parent consent.

For these reasons, it is not considered that the physical development which is proposed under this application would give rise to such a significant loss in amenity to warrant the refusal of planning permission.

### **Conclusion**

Although the comments made in relation to noise and disturbance are appreciated, the use of the 'garden' as an outside seating area does not require planning permission. It is not considered the proposal to erect timber decking and fencing to the rear of La Luna Restaurant would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

### **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the approved plan(s):
  - location plan received on the 30/07/2014,
  - proposed floor plan, elevation and block plan received 09/10/2014.

and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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<b>APPLICATION NO:</b>	<b>14/1014/10</b>	<b>(DB)</b>
<b>APPLICANT:</b>	<b>Lightsource SPV 105 Ltd</b>	
<b>DEVELOPMENT:</b>	<b>Installation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and</b>	

**LOCATION:** pole mounted security cameras, for the life of the solar farm  
**MAES BACH, WILLOWFORD ROAD, TONTEG, PONTYPRIDD, CF38 1SL**

**DATE REGISTERED:** 11/08/2014

**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION:** Approve

**REASONS:**

The principle of the development is considered acceptable, being a medium scale solar farm development that would contribute to the Welsh Government's commitment to optimising renewable energy generation. Furthermore, it is considered that the proposed development does not have such an effect that would warrant a refusal and can reasonably be accommodated within the landscape without significant harm to the existing landscape character of the area and visual amenity. In addition, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology. It is therefore considered to comply with the relevant policies of the Local Development Plan.

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**APPLICATION DETAILS**

This is a detailed (full) planning application for the construction of a 4.86MW solar farm (or solar array) which would generate electricity to power the equivalent of approximately 1,665 households.

The solar panels would extend up to 2.4m high in rows at a variety of distances apart to allow for north and south facing slopes, set away from the edges of the existing field and tree boundaries. The solar panels would have dimensions of approximately 1.650m x 0.992m x 0.05m attached together in a row of 4 fixed to mounting frames. The panels would be coated to maximise daylight absorption and minimise glare potential.

The mounting frames would be constructed of either galvanised aluminium or steel with a rough matt finish and anchored to the ground by being pile driven into the ground to a depth of 1.5m and would require no concrete foundations. The frames would be fixed at an angle of 20 degrees from the horizontal to optimise daylight capture and would be static and not move to "track" the sun. The solar arrays would reflect the undulation of the landform and form a smooth consistent curve. The array of panels would be situated in rows running from east to west. The distance between the solar arrays would vary between 3m to 7m apart and would be guided by the change in ground levels across the site and the need to eliminate

overshadowing of panels. The solar arrays would be located a minimum distance of 5m from the existing field boundaries.

Each mounting frame would contain two rows of PV panels separated by a horizontal rainwater gap which would allow rainwater to drain freely to the ground beneath and between the panels to replicate the existing green field state. Existing on site drainage ditches or features would be retained with drainage ditches to swales constructed in the lower areas of each field to intercept extreme flows with a minimum depth of 0.3m with 1 in 3 slopes and a base of 0.5m and a minimum distance of 3m from any existing drainage feature and would be seeded.

The associated infrastructure with the solar farm would involve the following:-

1. Three inverters measuring 2.9m high x 4.4m long x 1.5m high
2. Two transformers measuring a maximum of 2.8m high x 6m long x 2.5m wide
3. Two switch gear substations one for the Distribution Network Operator (DNO) and one for the customer. The DNO would require a security light and measure a maximum of 4.4m high x 4.950m long x 5.5m wide. The client side substation would measure 2.9m high x 6m long x 2.4m wide.
4. One communications building measuring 2.5m high x 3.7m long x 3m wide. An aerial or satellite dish may be required if reception issues necessitate it.
5. 2m high boundary security (deer) fencing around the site a minimum of 3m from hedgerows and trees
6. 2.4m high pole mounted CCTV security cameras at occasional spacing along the boundary fencing
7. Stock proof fencing approximately 2m either side of internal hedgerows and trees
8. A new site access to a width of 4.8m and depth of 20m would be provided through widening an existing field entrance along Willowford Road.
9. Permanent gravel access tracks would be constructed within the site to a width of 3.5 to 4m and to an approximate length of 535 m which would run through 3 fields adjacent to the field boundaries and within existing openings to reach the proposed inverter and transformer buildings. Additional access tracks would be provided on a temporary basis for construction purposes to reach the additional 6 fields. Where these routes cross field boundaries they would run through existing

openings and where they would cross over existing drainage ditches temporary bridges would be provided.

#### 10.A construction and parking and turning compound.

Electrical output from the PV panels would be directed along cables to the DC collectors and then to the inverter(s). This cabling would be buried in trenches to a depth of approximately 1m.

The switchgear/transformers and inverter cabins would be constructed on concrete foundations to a depth of 150mm and would all be finished in glass reinforced plastic coloured moss green.

The earthworks would involve the removal of the topsoil and subsoil and its replacement over the cable trenches and seeded or used for hedgerow replanting purposes or spread thinly on the remainder of the farm site.

The final detailed layout of the solar farm and the locations of the associated infrastructure would be prepared in the event that planning permission is granted.

The existing hedgerow boundaries would be enhanced in places where required to fill in existing gaps with native mix of species to reflect those currently in place within the local area. Hedgerows would also be allowed to grow up to a height of 3 to 3.5m to provide increased screening. One stretch of field boundary along the most eastern part of the site which has no hedge, would be planted with hazel.

The construction period is anticipated to take approximately 12 weeks and involve a total of 100 heavy goods vehicles of various sizes between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday and deliveries will be scheduled to avoid peak traffic times. It is anticipated that there would not be an excess of 10 staff working on site at any one time. During decommissioning all infrastructure, cabling and fencing would be removed and these areas soiled, re seeded and the land returned to its original condition. There are likely to be 130 HGV's required during this phase of the development.

Maintenance would involve 2-3 grass cuts a year if sheep grazing does not keep the grass sufficiently short, 2-4 visits per year to wash the panels, up to 20 visits per year for maintenance and 4 visits per year to read the electricity meter.

The design of the solar farm provides for the ongoing agricultural use of the site by the land owner for sheep grazing.

The operational life would be approximately 30 years after which all equipment would be removed and minor remediation works undertaken to restore the disturbed areas.

The application is accompanied by the following documents:-

- Planning, Design and Access Statement.
- Biodiversity Management Plan.
- Drainage Strategy.
- Access Statement.
- Construction, Decommissioning and Traffic Management Method Statement.
- Statement of Community Involvement.
- Historic Environment Assessment.
- Landscape and Visual Impact Assessment.
- Hedgerow and Tree Protection and Management Statement.
- Site Selection Document.

## **SITE APPRAISAL**

The site covers a total area of 16.72 ha of existing improved agricultural land currently used for sheep grazing. The site comprises of 9 small to medium sized fields irregular in shape and varying from under 1ha to just over 2ha. The site is located on a low ridge to the south east of Church Village. It is an undulating landform that lies at 119m AOD along the northern boundary up to 136m AOD within the southernmost field. The western half of the development falls in a westerly direction to a low point of 113.7m AOD adjacent to the unnamed road which runs the length of the western boundary and the eastern half falls to the east to a low point of 114m AOD. The gradient varies at generally 1 in 15 for the majority of the site but ranging from 1 in 30 to 1 in 3 at the steepest section. Some of these slopes fall to the south while others markedly fall to the north particularly in one field. The land continues to rise to the south towards the ridge of Garth Hill at 307m AOD. The Taff Vale sides fall steeply to the valley floor to the east which is around 40m AOD.

The site is enclosed by irregular field boundaries which comprise mostly of mature oak trees with outgrown and trimmed hedgerows and post and wire fencing. The existing boundaries provide enclosure to some of the fields but also have gaps in places. The boundaries adjacent to the existing country lanes are formed with mature hedgerows.

There is a small pond lying near the centre of the site, a spring adjacent to the southern boundary and a number of unnamed drainage ditches running across the site.

The present access to the land is gained from field gates located along the western boundary and from the vehicular entrance to the Maes Bach farm holding.

There is an overhead electricity line running along the south eastern boundary of the site.

There are no Public Rights of Way crossing the site.

The nearest residential properties to the site are known as Gedrys Farm (150m to the east), cottages to the north east of Gedrys Farm (400m east), Ty Newydd Farm (420m to the west), Dryscoed (720m to the west), Maes Mawr Farm and Cheriton Lodge to the north.

## **PLANNING HISTORY**

There is no relevant history pertinent to the consideration of this proposal relating to the application site.

## **PUBLICITY**

As part of the application process formal notices were placed in the local press (Western Mail) and at various locations in the vicinity of the site. Individual letters were also sent to the occupiers of the nearest residential properties to the application site.

As a result of this publicity 23 letters have been received in support of the application raising the following comments:-

- i. consistent with national planning policy which encourages local authorities to increase renewable and low carbon energy generation
- ii. generates locally sourced renewable energy
- iii. reduces carbon footprint
- iv. low impact electricity generator compared to other options
- v. reliance on fossil fuels will pollute planet and be vulnerable to volatile price fluctuations
- vi. existing vegetation is bolstered to screen development and to minimise visual impact
- vii. ongoing agricultural use of land by sheep grazing will continue
- viii. measures are included for biodiversity enhancement

1 letter of objection has been received raising concerns about the proposed access during the construction phase and that inadequate information has been submitted to assess the likely impacts on traffic flows, congestion and safety.

## **CONSULTATION**

As part of the application process a number of statutory and non-statutory consultations with both internal sections within the Council and external organisations have been undertaken. A summary of the responses is provided below.

Transportation Section – no objections raised following a review of the Access Statement and Construction, Decommissioning and Traffic Management Method Statement subject to conditions relating to the provision of access, parking and circulation, a condition survey of Maesmawr Road, wheel washing facilities and the timing of HGV movements to avoid peak traffic periods.

Drainage/Land Reclamation – no objection subject to the inclusion of appropriate drainage conditions.

Glamorgan Gwent Archaeological Trust (GGAT) – no objections raised following review of the archaeological desk based assessment subject to a condition requiring an archaeological watching brief.

Countryside, Landscape and Ecology Section– raises no objections subject to the imposition of appropriate conditions and a S106 Agreement to secure minimum works to the existing trees during construction works, an adequate hedgerow and tree management plan, monitoring and appropriate grazing regime during the life of the project. Advises that there are no relevant records of Statutory Protected Species from the immediate vicinity. The Public Rights of Way Officer has advised that whilst there are no PRow within the site or following the route of the proposed access, there are several PRow's which meet Maes Mawr Road and should be protected from construction traffic.

Public Health and Protection Section – raises no objections.

NRW - raise no objections subject to any consent to include a S106 Agreement for appropriate hedgerow and tree management and agricultural management to include a restriction on the application of fertiliser (organic or inorganic) on the fields in order to enhance the biodiversity of the site.

## **POLICY CONTEXT**

The principal planning policy considerations relating to this development can be summarised as follows:

### Rhondda Cynon Taf Local Development Plan

The application site is located in the southern strategy area, outside of the settlement boundary, in a Special Landscape Area (SLA Efail Isaf, Garth and Nantgarw Western Slopes), a coal safeguarding area, and part is located in a sandstone safeguarding area.

**Policy CS2** sets out the strategy for the southern area of the County Borough.

**Policy CS10** seeks to protect mineral resources such as coal from sterilisation and allow them to contribute to the demand for minerals.

**Policy AW2** - development proposals will only be supported in sustainable locations, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and is required to be well related to existing water, sewerage, waste, electrical, gas and telecommunication infrastructure.

**Policy AW5** – lists amenity and accessibility criteria for development proposals. These include requiring the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area,

retain existing features of the natural environment and have no significant impact on the amenities of neighbouring properties. Development should be compatible with other uses in the locality, designs out crime, be accessible, have safe access and not cause traffic congestion. Car parking should be provided in accordance with the Council's Supplementary Planning Guidance (SPG).

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

- A high standard of design;
- Appropriate to the local context;
- An efficient use of land;
- A high level of connectivity and accessibility to existing centres;
- The design protects and enhances the landscape and biodiversity;
- The development promotes energy efficiency and the use of renewable energy;
- The design promotes good water management.

**Policy AW7** – only permits development where it would preserve or enhance sites of archaeological importance and public open space, allotments, public rights of way, bridle ways and cycle tracks.

**Policy AW8** - only permits development where it would not cause harm to features of the natural environment, special designated sites, or could reasonably be located elsewhere. The policy requires proposed development to demonstrate what measures are proposed for the protection, management and mitigation of potential impacts on species and habitats of ecological importance.

**Policy AW10** - refers to Environmental Protection and Public Health and advises that development will not be permitted where it would cause or result in a risk of unacceptable harm to health or local amenity due to pollution, contamination, instability or flooding, or any other identified risk to the environment, local amenity and public health or safety.

**AW12** - advises that development which promotes the provision of renewable and non-renewable energy will be permitted where there is no unacceptable impact on the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

**AW14** – safeguards mineral resources from sterilisation or hinder their extraction, including coal and sandstone.

**SSA23** – identifies the Special Landscape Areas in the Southern Strategy Area including **SSA23.8** Efail Isaf, Garth and Nantgarw Western Slopes. Development within SLA's will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

### **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 7 July 2014) (PPW7) Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Historic Environment), Chapter 7 (Economy), Chapter 8 (Transport), Chapter 12 (Infrastructure and Services) 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 (TAN) 6: Planning for Sustainable Rural Communities (2010)

PPW Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005)

Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy” Feb 2011 (PG to TAN 8) sets out the land use planning impacts and benefits of different forms of such developments, including solar energy generation. Whilst recognising that solar PV arrays are an emerging technology in the UK, it provides a summary of potential impacts and design mitigation and enhancement measures of solar installations.

## **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:**

The main considerations in the determination of this application are firstly whether the principle of the development is acceptable in this location, and secondly whether the renewable energy scheme would have any adverse impacts on the character and appearance of the surrounding area. Other important considerations include whether the scheme would have any adverse impacts on nature conservation, agriculture, cultural heritage, residential amenity of those living closest to the site, access and highway safety, land drainage and whether resource use has been minimised.

Other Issues include grid connection issues and the safeguarding of mineral resources

### **Principle of Development**

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, to produce more electricity from renewables than Wales consumes as a nation by 2019).

Paragraph 12.1.4 of PPW aims *“to promote the generation and use of energy from renewable and low carbon energy sources at all scales”* and Paragraph 12.8.6 seeks *“to secure an appropriate mix of energy provision... which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts”*. Paragraph 4.6.4 sees the countryside as a sustainable energy source and solar is recognised in paragraph 12.8.7 as a source of renewable energy which *“will feature in many types of situations such as those that are stand- alone directly connected to the grid.”*

Paragraph 12.8.15 clarifies that a renewable energy project of less than 5MW is regarded as a sub – local authority scale of project which would be eligible for feed in tariffs. Paragraph 12.8.19 advises that such projects should be supported.

Paragraph 12.9.9 states that *“at the sub-local authority scale, renewable projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated.”*

Paragraph 3.7.1 of TAN 6 advises that *“renewable energy are likely to be appropriate uses”* on farms.

The Local Development Plan duly sets out a permissive stance towards renewable energy generation (LDP Policy AW12).

The proposed solar farm is a sub-local authority scale energy project which PPW supports in any location. It lies in the countryside and covers an area of just over 16 hectares which would be difficult to be accommodated within a settlement boundary. The proposal is not a permanent development and after a period of 30 years it would be removed and the land returned to its former agricultural use. Moreover, this application would represent a diversification of the use of a small proportion of land within a single wider agricultural holding whilst retaining the agricultural management of the site for sheep grazing.

It is considered that the proposal would support the above planning policies in two ways; firstly it would provide a modest but useful contribution with regards to meeting the target for the production of energy from renewable sources at the local level; and secondly, it would contribute towards the viability of the existing farmstead through diversification of income. As such it is considered that the principle of developing the site for the provision of a solar renewable energy is considered acceptable in principle in accordance with national policy and Policy AW12 of the LDP, subject to the other material planning considerations being satisfied.

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

Whilst the principle of the generation of renewable energy from solar power is established, both national and local policy require the principle to be balanced against the need to protect the landscape character and visual amenity of the area.

National guidance advises that extreme care needs to be taken to ensure that the siting of solar arrays does not affect the special qualities of designated landscapes such as National Parks and AONB's as these are likely to be particularly sensitive locations and should be avoided where possible.

The site falls outside any nationally protected landscape designations but at a local level falls within a non statutory designation - Special Landscape Area (SLA) 23.8 Efail Isaf/Garth and Nantgarw Western Slopes as defined in the LDP. Paragraph 5.4.4 of PPW advises that non-statutory sites should "*not preclude appropriate socio-economic activities*" and Paragraph 5.3.11 advises that "*such designations should not unduly restrict acceptable development.*" However, such designations are applied to areas of substantive landscape value where Policy SSA23 of the LDP seeks to safeguard, manage and promote the special attributes of these areas and requires development to provide higher standards of design, siting and layout appropriate to such locally sensitive areas. Due to its size and location the proposal could potentially be in conflict with one of the key policies and management of Policy SSA23.8 and Policy SSA23 which states at Paragraph 6.180 of the LDP that "*particular consideration has been is given to the protection of unspoilt low lying farmland*" of which this is a part. Policy AW12 of the LDP also requires renewable energy development not to have an unacceptable effect on interests of landscape importance.

The site forms a part of the SLA which consists of mainly rolling farmland and the foreground in views from the Garth Hill to the south. The key policies and management of this SLA include: to maintain the farming character of the plateau, conserve hedges and small woods and restrict the spread of development around Efail Isaf. The area is considered to have a high/medium sensitivity to solar panels.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has assessed the potential landscape and visual effects of the proposed solar farm within a study area of 5km radius from the site although the main focus was provided within a 2km radius.

The applicants LVIA considers that the solar farm, would not affect any of the key landscape characteristics of the area due to a number of reasons. The existing landscape features which include the existing small scale irregular field pattern, hedgerow and tree boundaries would be retained and enhanced and the proposed development would be largely screened by the existing landform and vegetation. It states that it would be congruous with the existing surrounding landscape which consists of a mixture of scattered farm complexes, residential settlements of Church Village and Beddau, infrastructure and industrial developments in the valley floor of Treforest. It would introduce an additional infrastructure element into a landscape that already contains intrusive visually detractive elements including the M4, pylons

and the Church Village Bypass. It states that due to the presence of tree cover and hedgerows the greatest effects on visual amenity would be limited to a small number of locations on surrounding hillsides, Public Rights of Way, glimpsed views from the public highway in close proximity to the site and very restricted views from the nearest isolated residential properties. Even from popular elevated locations such as Garth Hill the solar farm is not anticipated by the LVIA to have a notable adverse effect on the visual amenity of the Special Landscape Area.

Within the LVIA viewpoints were taken to be representative of a range of views and receptors from around the site. Out of a total of 11 viewpoints, 5 were chosen to represent the most sensitive views and landscapes. Viewpoints from upland ridges including Craig Yr Allt to the east are assessed as not significant due to distance, orientation and tree cover. Viewpoint 7 from a PROW on Garth Hill, with a high sensitivity and a low magnitude of change would represent a moderate effect. Viewpoint 12 from the field entrance gateway to the south was assessed with a medium sensitivity and a low magnitude of visual effect.

The LVIA concludes that the solar farm would not form a feature of the skyline, be widely visible, materially change the existing level of tranquillity and would be of an appropriate scale. It also concludes it could be successfully accommodated within the existing landscape without causing any long term harm to the landscape character, visual amenity or existing landscape attributes of the area.

Since it is the impact on the landscape character and appearance of the area and visual effects of the proposed solar farm, which are considered to be the amongst the main factors that need closest scrutiny, chartered landscape architect, Simon White (White Consultants) was commissioned to assist in the review of the Landscape and Visual Impact Assessment (LVIA) submitted to accompany the proposed scheme, and his comments are summarised below.

It is accepted that there would be limited visibility of the site from various lower viewpoints. There do not appear to be any significant effects on residents as the proposed development would not be significantly apparent from the Taff Valley floor or lower valley sides or from Church Village in general. There would however be some limited views on the skyline from Viewpoint 13 Upper Boat. Similarly, whilst there would be views of the proposed development from the PROW leading up to Garth Hill and from the east on footpath users looking up at the site, further away from the site, views would be restricted. It is agreed that the effects on Viewpoints 1,2 and 3 from the Upland ridges to the east of the site i.e. Craig Yr Allt, Mynydd Meio and Cefn Eglwysilan are not significant. Whilst there would be views on the northern edge and the two barrows on Garth Hill, there would be no significant effects on users of the Ridgeway Walk. However, there would be more visibility in locations in close proximity to the site and from higher viewpoints, at a distance. The effects from Viewpoint 7 on the PROW on Garth Hill and from Viewpoint 12 from the field entrance gateway to the south, is not agreed. It is considered that the effect from Viewpoint 7 would be adverse as it would appear as an incongruous feature and from Viewpoint 12 (along with similar views from the minor road which bounds

the site to the west) the proposal would be significantly out of character with the tranquil, enclosed distinctive rural character of the landscape.

The proposal would cover the majority of the site with solar panels and introduce a new development type of a semi-industrial character over a moderately large area into a rural landscape with its distinctive, tranquil, attractive, nature of scattered small farm complexes. It would break up a well-defined green gap between built up areas around Efail Isaf and reduce its qualities as a green separation between those areas, for the 30 year life of the development.

The varied and undulating nature of the site means that the layout and design of the solar farm would result in a variation in spacing between the panels and some irregular alignment of the panels within each field which would appear awkward and less coherent. However, since the application was originally submitted the applicant has amended the layout to remove the solar arrays from the steeper slopes and to better align the panels to reduce these effects to an extent. The retention of the existing hedgerow pattern and trees on the site, together with some new hedge planting and increased height, once established, would assist in screening the arrays from various viewpoints and breaking up its mass. These mitigation measures would also assist in containing the development.

It is considered that the development would have a detrimental effect on the existing landscape character of the site and of the SLA and on some visual receptors.

### Summary of the main issues and conclusions

In summary, it is considered that the key landscape and visual issues are as follows:-

#### On the negative side

- Due to the moderately large size and location, the proposal would break up the existing green gap between the built up areas around Efail Isaf, introduce an unfamiliar element which would be out of character with the distinctive, tranquil and attractive rural landscape of scattered small farm complexes and would therefore adversely affect the existing landscape character or LANDMAP aspect area.
- The greatest effects would be on the Special Landscape Area. The character and layout of the semi-industrial rigid structures do not relate well to the rolling topography and field pattern of attractive farmland character and would appear awkward and incongruous with variation in spacing, appearing less coherent.
- There would be some adverse visual effects from locations in close proximity to the site and from the PROW on the open upland of Garth Hill and the PROW to the east of the site.

#### In mitigation

- Views of the proposal would not be widely available. Views would be contained and broken up and enclosed by the retained hedgerows and mature trees along the field boundaries which would be further minimised by the increased landscaping over time. There would be limited views on the skyline, from nearby residential properties and upland ridges to the east of the site.
- In terms of their height and scale the component parts of the development would not be prominent.
- The existing field patterns and agricultural grazing management of the land would be retained, therefore retaining the farming character of the site to this extent, and this will be secured by means of a S106 Agreement.
- The visual impact has been reduced as the extent of the arrays would not be located close to the existing boundaries, some arrays have been removed from the steepest slopes and some edges of the arrays have been realigned.

In addition, in order to assist in the assessment of the application, the applicant has produced a Site Selection Document. This has advised that there are a number of constraints to developing the solar farm which include a minimum site size of 8ha to ensure it is viable and available grid connection capacity. As any allocated sites in the LDP would be commercially unviable, it states that a green field site is necessary. Furthermore, as the majority of rural land within the Southern Strategic Area falls within a Special Landscape Area, this is a further constraint to sourcing an alternative site outside this designation.

In summary, whilst it is acknowledged that there would be some significant adverse effects from the proposed solar farm to the appearance of the countryside and the character and appearance of the Efail Isaf/Garth and Nantgarw Western Slopes SLA, these are considered to be at the lower end of the significant scale. Intrinsically, it is not desirable to have significant development in a Special Landscape Area which is out of character with its existing attributes. However, the merits of the development have to be fully explored. As stated above, the development would be largely contained within the enclosed character of the existing landscape, with the field boundaries and agricultural management of the site remaining. Whilst there are some adverse effects on some nearby visual receptors, the majority of views would be screened by the existing landform and vegetation. Overall, it is considered that the component parts of the development would not be prominent and that the additional planting and siting of the structures would not appear overly dominant in its surroundings. Whilst the development would change the local landscape the site would remain as a patchwork of fields bounded by hedgerows and trees. In addition the agricultural use would be secured by means of a S106 Agreement.

The proposal would accord with Paragraph 3.15 of TAN 8 which indicates that “*other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.*” A number of recent appeal decisions regarding solar farms have clarified that this statement is relevant for large scale solar farms. Although TAN 8 does not make any specific reference to large

scale solar schemes, it notes in Para 8.4 of Annex C that as well as being mounted on buildings, modules can be mounted on free-standing structures on the ground. Moreover, the Planning Guidance to TAN 8 gives detailed guidance in respect of solar energy generation including Para 8.4.8 of the Planning Guidance to TAN 8 which lists a number of key landscape and visual considerations which should be considered when siting a solar PV array. These considerations have been taken into account in the design of the solar farm in that it would not mask the existing field patterns, the racks would, in time be no higher than the field boundaries, nor immediately adjacent to the field boundaries and visibility is limited.

The potential adverse effects need to be balanced against the wider environmental benefits associated with the generation of renewable and low carbon energy.

PPW advises, at Paragraph 5.5.1 that in “*the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs.*” In this case it is considered that the wider environmental benefits associated with the increased generation of renewable energy outweigh the specific impacts the development could have on the surrounding countryside. It would also be consistent with PPW Chapter 12 in the generation and use of energy from renewable and low carbon sources as well as providing for renewable energy sources in accordance with Welsh Government visions as presented through its other policy publications, which include the Wales Spatial Plan; One Wales; One Planet; and Energy Wales.

The public benefits of the proposal would include the production, without carbon or other polluting emissions, of electricity sufficient to serve approximately 1665 homes; a contribution to the security of national energy supply; the enhancement of biodiversity and of the historic fieldscape by the reinforcement of hedgerows and a contribution to farm diversification and support.

In this case, on balance, it is considered that the benefits outweigh the effects and the proposal complies with the provisions of Policies AW6 and AW12 of the LDP.

### Ecology

The application is accompanied by an ecological appraisal. It shows that the site does not form part of any statutory or non statutory designated site for nature conservation and the nearest designated site is Coed Y Bedw a woodland SSSI approximately 2.6km south of the site. The appraisal considers that due to the separation distance and absence of extensive woodland habitat the application site is unlikely to support similar species.

The nearest SINC's are located immediately to the south east of the site SINC AW8.156 Coed y Gedrys and Garth Fawr, and to the north of Maes Bach Farm at AW8.161 The Willowford as identified in the LDP.

The appraisal identifies that the site consists of species poor semi improved grassland which is of limited habitat value bounded by a mixture of species rich and species poor hedges which provide ecological interest and connectivity with adjoining habitats. The survey work does not identify any protected or priority species within the site.

A number of mitigation measures are proposed including avoiding the bird nesting period during construction works and any hedgerow removal, or undertaking a nesting bird survey if this is not possible. Badger gates would be integrated into the proposed perimeter fencing and a method statement is provided to limit any unforeseen impacts on any amphibians and reptiles.

As part of the proposed development a number of enhancement measures are proposed. These include infilling the gaps in the hedgerow along the most easterly part of the site with planting of native species in a double staggered row, in order to strengthen habitat connectivity along the boundary of the site ideally between the months of November and March. The most easterly section of the boundary would be planted with a hedgerow of hazel species. Within the buffer zone between the site boundary and security deer fencing, no construction works would occur and taller grassland vegetation will be encouraged to develop along the base of hedgerows to improve ecological interest. Measures are proposed for the protection of trees during cable laying works to include directional drilling beneath hedgerows. Any areas disturbance during the construction phase would be encouraged to be restored using natural re-colonisation. Six bird and 9 bat roost boxes would be installed along the site boundary. Habitat and grassland management plan has been submitted in order to encourage local biodiversity benefits with ecological monitoring over the life of the project. A Hedgerow and Tree Protection and Management Statement has also been submitted in order to manage the existing trees and hedges on the site, to conserve and improve wildlife habitat connectivity along the site boundary and within the field boundaries and to manage invasive species.

The Council's Countryside Section have considered the submitted mitigation measures as amended by subsequent submissions and subject to a S106 Agreement has raised no objections subject to the some further amendments to secure minimum works to the existing trees during construction works, an adequate hedgerow and tree management plan, monitoring and appropriate grazing regime during the life of the project. NRW have raised no objections subject to the S106 Agreement to also include a restriction of the application of fertilisers in order to enhance the biodiversity of the site.

It is therefore considered that there would be no ecological or agricultural constraint to the development subject to the imposition of appropriate conditions.

#### Impact on residential amenity and privacy

There are several residential properties which are scattered to the north, east, south and south west which are located in the vicinity of the application site. The nearest is Gedrys Farm located 150m to the east of the site.

Predicted views have been undertaken on minor roads in close proximity to the nearest residential properties. This has shown that there would be likely to be limited visibility of the site from these locations as the proposed development would be effectively obscured by the topography of the ground and screening of the intervening topography. However, it is anticipated that there would be filtered views during winter months. For the few residential properties which are on elevated ground to the south of the site such as Garth Fawr and Ty Newydd the view is assessed as a minor scale. The overall scale of visual effect on residential properties is assessed as negligible in the LVIA. This limited visibility has been accepted by Simon White.

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

The Council's Public Health and Protection Division has raised no objection to the proposed development. However, it is suggested that in respect of construction activities, conditions are recommended to cover hours of operation and external lighting. It is considered that, subject to the imposition of appropriate conditions, the proposed solar farm is not likely to cause undue noise and disturbance to the nearest residential properties.

Therefore, it is considered that the development would be unlikely to unacceptably affect either the visual or residential amenity of nearby residents.

#### Access, highway safety and PROW matters

The Access Statement and Construction, Decommissioning and Traffic Management and Method Statement primarily considers the impact of the proposed development in terms of traffic and transportation during the construction phase. The proposed access route for all traffic associated with the construction phase would be via the A473 Tonteg Road and then Maesmawr Road via its junction off the A473/B4595 roundabout.

The construction period is anticipated to take approximately 12 weeks. A total of 100 HGV's would be required to deliver the equipment and infrastructure representing 200 two-way movements with up to 10 two way HGV movements per day. It is expected that the construction hours would be from 8am to 6pm Monday to Friday and between 8am to 1pm Saturday and deliveries would avoid peak traffic periods. There would also be up to 10 vans or cars for staff working each day. There would

be construction signage to include a right turn only sign at the site exit and use of two way radio to minimise conflict between general traffic and construction traffic. The swept path analysis along the access route from the A473 does not indicate whether the wheel tracking would overrun the carriageway and utilise the highway verge. The onsite construction compound would be used for all parking, turning, unloading, loading and wheel cleansing activities.

During the operational period of the solar farm the frequency of vehicles for monitoring, upkeep and cleaning would be low at about 10-12 times a year. Decommissioning would require 130 HGV's in total of a standard size HGV vehicle (12.19m).

The proposed access would improve an existing field entrance gate and provide vision splays of 2.4m x 56m in each direction after cutting back the existing hedgerow. This is slightly less than the required vision splay of 2.4m x 70m based on the traffic survey undertaken 50m north of the proposed access which recorded traffic speeds of 26 – 27 mph over a 7 day period in July 2014.

The Transportation Section have considered the proposals in terms of highway safety matters. It is recognised that Maesmawr Road leading to the site is used as a short cut at times of congestion on the A473, is utilised by a number of properties and is generally sub standard to cater for heavy loads. The vision splays at the proposed site access would be slightly less than required and would only cater for one vehicle at a time. However, in view of the proposed mitigation measures which include the use of banks men and radio contact, deliveries to avoid peak traffic periods and HGV's to turn right leaving the site, no highway objections are raised subject to a number of conditions. The proposed conditions include the development to be carried out in accordance with the mitigation measures, an assessment of the haulage route prior to construction, a condition survey of Maesmawr Road, improvements to the site access, surface water not to discharge onto the highway, details of wheel washing facilities and HGV movements to avoid peak periods.

Given the temporary nature of the construction phase and the mitigation measures proposed and subject to the imposition of the recommended conditions, it is considered that the development would be in keeping with the provisions of Policy AW5 of the LDP and would not have an adverse impact on highway safety.

The Council's Rights of Way Officer has advised that whilst there are no PRoW within the site or following the route of the proposed access, there are several PRoW's which meet Maes Mawr Road. The Public Rights of Way Officer has advised about the possible safety impact and the ability of the public to continue to enjoy using these public footpaths, during the construction phase of the development. Therefore, it is considered that users of the PRoW's should be

protected from construction traffic by means of a condition to secure health and safety precautions, for the construction stage of the development.

### Archaeology

The archaeological desk based assessment has assessed the known archaeological and heritage assets within a study area around the proposed development area. This has shown that the solar farm layout is planned to lie at a suitable distance to retain the historic hedgerows and field boundaries and avoid the known industrial remains of previous mining activities. The assessment also shows that the site lies within the setting of the nearby designated heritage asset – the Scheduled Monument of the Bronze Age Barrows on the summit of Garth Hill, Ref GM107. It states that there is only partial intervisibility between part of the proposed development and the top of the highest mounds and that the setting is so extensive that the partial change would be negligible. It states that an archaeological watching brief should be undertaken for areas of larger ground disturbance such as the infrastructure buildings or cable trenches and that any potential impacts on the surviving historic field boundaries could be minimised through appropriate mitigation measures.

Glamorgan Gwent Archaeological Trust has advised that it concurs with the results of the assessment and the development proposals will require archaeological mitigation in the form of an archaeological watching brief during the groundworks which should be secured by condition.

It is therefore considered that subject to the imposition of the archaeological watching brief the proposed development would not have a significant detrimental on the existing archaeological resource and be in keeping with the provisions of Policy AW7 of the LDP.

### Land Drainage

The Drainage Strategy identifies that there are unnamed drainage ditches and a small pond on the site and nearby there is the ordinary watercourse of the Nant Y Cedrys south east of the site and the River Taff to the east. The site lies in a very low risk of flooding based on the DAM flood zone maps of TAN 15 and a low risk of surface water flooding due to its elevated position.

The rainfall falling onto the solar panels would run directly to the ground underneath and infiltrate the ground at the same rate as it does now. Existing drainage features would be retained and the site would remain vegetated through the construction and operation of the site to prevent soil erosion. Soil compaction would be minimised by using light machinery for construction purposes with the use of low ground pressure

during wet weather and all HGV's restricted to the temporary construction compound by the site entrance.

A sustainable drainage strategy is proposed which proposes the use of swales in the lower parts of the site to be capable of intercepting and storing additional run off as a result of the minor increase in impermeable area and at times of extreme flows of surface water runoff. These would be constructed and vegetated before beneficial use of the solar arrays and maintained throughout the development. It states that the proposed development would preserve the site's natural green field drainage regime and would not increase flood risk on site or beyond the site boundaries. It therefore concludes that the development would have a negligible impact upon the existing site drainage and surface water drainage.

The Council's Drainage Section has raised no objections to the proposed development subject to conditions to secure the details of the proposed mitigation measures. It is therefore considered that the scheme is acceptable in terms of drainage and be in keeping with the provisions of Policy AW10 of the LDP.

#### Agriculture

The site is identified on the Agricultural Land Classification maps provided by the Land, Nature and Forestry Division of Welsh Government as comprising Grade 4 land. This is poor quality land and therefore would not effect the best and most versatile agricultural land of Grades 1,2 and 3a in respect of which national policy advises at Paragraph 4.10.1 of PPW "*should be conserved as a finite resource.*"

The proposal would form a farm diversification scheme for the existing farming business of the land owner which is supported by national policy. It would represent one sixth (16ha of 96ha) of the applicant's overall farm holding. The land owner still intends to sheep graze the land in a similar manner as it is presently used. The proposal should therefore have a minor impact on the existing farming operations, and not involve a long term impact as the solar farm represents a temporary use of the land.

The proposed development does include some mitigation measures to enhance the reversibility of the development such as using ground screws rather than concrete foundations, the use of removable mats rather than a permanent access track into the site and measures to avoiding compaction or contamination during the construction period. The proposal would involve a number of small infrastructure buildings, access tracks and fencing but these would be removed together with the other infrastructure, following the cessation of the use.

#### Glint and Glare

Glare and glint are possible concerns regarding solar panels. National guidance advises that despite their non-reflective design, it is possible that intense direct reflections of the sun ('glint'/specular reflection) or more diffuse reflections of the bright sky around the sun ('glare') by solar PV panels (and their supporting frames) may cause viewer distraction and increase the visual impact of a development in the landscape. National guidance advises that particular consideration should be given to properties that are higher up a slope than the proposed solar development as these are most likely to experience any glint/ glare effects created.

Solar panels can potentially impact on air traffic safety. This is particularly important if "tracking" panels are proposed as these may cause differential diurnal and/or seasonal impacts. However as the proposal involves a non tracking system and use of a non-reflective surface there are not considered to be any likely impacts to air traffic safety.

It is therefore concluded that the proposed solar farm is unlikely to cause any detrimental impact in relation to glint and glare effects.

### 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 agent, Lightsource, on behalf of the developer, has advised that it is entering into a legal agreement with Llantwit Fardre Community Council for the delivery of a community benefit fund that will contribute £500 per MW installed, on a yearly basis for 20 years up to a maximum of £48,000. 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

The development represents a medium scale solar farm development that would contribute to the Welsh Government's commitment to optimising renewable energy generation, as set out in Section 12 of PPW. The application site is not protected by any statutory designations and the proposal has taken into account the need to protect the existing landscape features and ecological resources provided within the site. Although there are some significant adverse effects on the appearance of the countryside, the proposal would be contained, has limited visibility, is temporary and gains support from other local policies including AW6 (protecting and enhancing landscape features) and AW12 which permits renewable energy schemes provided

there are no unacceptable effects on the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, public health and residential amenity. In addition to this, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology. Therefore, having regard to all the matters raised above, on balance, it is considered that any harm caused by this development would not outweigh the objectives of both local and national planning policy, which seek to promote development proposals that meet national and local renewable energy targets.

As such, therefore, it is considered that the proposed solar farm is acceptable subject to a S106 agreement to secure minimum works to the existing trees during construction works, an adequate hedgerow and tree management plan, monitoring, appropriate grazing regime and a restriction on the use of fertilisers during the life of the project and subject to the attached recommended conditions, to secure the mitigation measures referred to in the main report.

### **RECOMMENDATION**

**That the application be APPROVED, subject to the following matters:**

- **the applicant (and any other party/parties with an interest in the land) first entering into an agreement or Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 that in general terms would secure the following measures:-**
  1. Compliance with the Hedgerow and Tree Protection and Management Statement of all the land to include hedgerow and tree enhancement and management measures for a period of 30 years.
  2. The agricultural use, management and drainage of the land during the operational use of the solar farm for a period of 30 years, to include restriction on the use of fertiliser application.
- **The recommended conditions as set out below in this report,**
- **That the Service Director Planning to be authorised to add, amend or vary any condition before the issuing of the planning permission, providing that such changes do not affect the nature of the permission or 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 the requirements of Section 91 of the Town and Country Planning Act 1990.

**2.** The development hereby approved shall be carried out in accordance with the following approved plans and documents:-

- i) Site Location Plan – Drawing No. MBF\_02 dated 22.07.14.
- ii) General Layout Plan submitted 05.11.14.
- iii) Site Layout and Planting Proposals dated 11.11.14.
- iv) DNO Building details Drawing No. DNO\_01 dated 06.12.13.
- v) Client Side Substation details Drawing No. CSR\_01 dated 06.12.13.
- vi) Transformer details Drawing No. TD\_01 dated 27.11.13
- vii) Outdoor inverters Drawing No. 1D\_01 dated 29.11.13.
- viii) Communications building Drawing No. CB\_01 dated 19.12.13.
- ix) CCTV Pole details Drawing No. CCTV\_01 dated 10.12.13.
- x) Deer fence inc mammal gate Drawing No. Received 31.07.14.
- xi) Hedgerow and Tree Protection Management Statement Version 3 and Figure 1 submitted 20.11.14.
- xii) Drainage Strategy Revised Drawing No. L309/02 Rev C submitted 14.11.14
- xiii) Construction, Decommissioning and Traffic Management Method Statement dated July 2014.
- xiv) Biodiversity Management Plan dated 25.07.14 (except references to hedgerow enhancement and management proposals)
- xv) General Compound Area Rev 2.
- xvi) Drawing No. L309/03 Rev A, showing vision splays of 2.4m x 65 to the right and 2.4m x 70m to the left onto Maesmawr Road with no obstructions of plantation when mature exceeding 0.9m in height within this vision splay area.

Unless otherwise to be approved and superseded by details required by any other condition attached to this consent or unless otherwise submitted to and approved in writing by the Local Planning Authority :-

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

**3.** The permission hereby granted shall endure for a period of 30 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, in accordance with Policies AW5, AW8 & AW12 of the Rhondda Cynon Taf Local Development Plan.

4. All electricity and control cables within the site shall be laid underground, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise environmental impact on the site in accordance with Policy AW12 of the Rhondda Cynon Taf Local Development Plan.

5. 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 in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. 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 to and followed by 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 in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No external artificial lighting shall be installed during the operation of the site as a solar farm apart from a domestic security light on the DNO sub-station, installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, prior to being installed.

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

8. Unless otherwise agreed in writing by the Local Planning Authority, all hedgerow and tree works and hedgerow tree protection and management measures shall be carried out in accordance with the Hedgerow and Tree Management Plan (HTMP) Version 3 dated 18/11/2014 prepared by Avian Ecology. Notwithstanding the approved HTMP any tree works required to facilitate the construction and initial phases of the operation of the solar farm including details of the sensitive treatment necessary to lay the cable trenches, and the precise line of the security fencing to avoid the canopy of

any tree, shall be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out. Any works on site shall comply with the approved details.

Reason: In the interests of clarity and to protect the biodiversity and visual amenity of the site in accordance with Policies AW5, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

9. Operations shall not be commenced until details of the colour, external finish, final siting and design of the solar panels and associated plant, machinery, buildings, structures and the position, design, materials and type of security boundary treatment and cameras proposed to be used on the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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 in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development whatsoever shall be allowed to commence until a document is submitted to and approved in writing by the Local Planning Authority proving ground conditions on the development are (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 in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development whatsoever shall be allowed to commence until the Planning Authority has received and approved in writing a Hydrological Impact Assessment including proposed mitigation, design details and a development program with respect to:
- a) Protection of open and culverted sections of the existing watercourse during and after construction.
  - b) Protection of properties downstream of the development from increased flood risk during and after construction owing to the development.
  - c) Protection of properties within the development from flood risk.

The works shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) and Himalayan Balsam (*Impatiens glandulifera*) shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of work on site. The approved scheme shall be implemented prior to the construction of the site.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. No development approved by this permission shall be commenced until a Construction Management Plan (CMP) detailing all necessary measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The CMP should identify as a minimum;

- An assessment of the haulage route to the site to ensure that the proposed lorry deliveries would be able to safely negotiate the route
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off during construction to ensure it does not discharge onto the highway

- 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
- facilities for wheel washing
- that all HGV movements to and from the site shall only take place between the hours of 09:00am and 15:30 and only on weekdays
- that the means of access from Maesmawr Road, together with the temporary construction compound and parking and turning facilities shall be undertaken in accordance with the submitted Construction, Decommissioning and Traffic Management Plan
- the details of the improvements to the means of access to be laid out and constructed for a distance of 20m
- details of protective measures and sensitive working practices to avoid impacts on the nearby public rights of way which meet Maes Mawr Road
- the details of the restoration of the land taken up by the temporary construction compound and temporary access routes.

The CMP shall be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately. The CMP shall be implemented as approved in accordance with an agreed timeframe of works to be submitted as part of the plan.

Reason: In the interests of highway safety, prevention of pollution and in the interests of visual amenity in accordance with Policies AW5, AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 15.** Prior to the commencement of the development a report indicating the methodology for undertaking a survey of the condition of Pound Farm Lane and Maesmawr Road affected by the proposed development shall be submitted to and approved in writing by the local planning authority. The report should include:
- a) details of the road to be surveyed;
  - b) the timescales for undertaking the surveys; and
  - c) the method(s) of reporting the findings to the local planning authority  
(including the use of comprehensive photographs, and any potential compensation arrangements.)

The solar farm hereby permitted shall not become operational until the final survey on completion of the development hereby approved has been carried out and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

16. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

17. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority comprehensive details of the hedgerow planting works to be undertaken along the eastern boundary of the site. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

18. 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 and to protect biodiversity and visual amenity of the area in accordance with policies AW5, AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

19. The landscaping scheme hereby approved, under Conditions 8 and 17 above 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 biodiversity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 20.** 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 agricultural condition, including; 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 and financial arrangement for this. The decommissioning works shall be carried out in accordance with the approved details.

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

- 21.** Within 30 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, fencing and access tracks 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 19) no later than six months following the cessation of power production or within 30 years and six months of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity and ensure that any derelict or obsolete features do not adversely affect the environment in accordance with Policies AW5, AW8, AW12 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 14/1177/10 (MF)  
**APPLICANT:** Miss Joanne Cox  
**DEVELOPMENT:** Change of use from library to children's soft play centre.  
**LOCATION:** THE LIBRARY, CHURCH STREET, PENRHIWCEIBER,  
MOUNTAIN ASH, CF45 3YD  
**DATE REGISTERED:** 11/09/2014  
**ELECTORAL DIVISION:** Penrhiwceiber

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**RECOMMENDATION:** Approve

**REASONS:**

The principle of the change of use is acceptable. It is not considered that the proposal would have a significant impact upon the amenity and privacy of the neighbouring residential properties or upon highway safety.

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**APPLICATION DETAILS**

Full planning permission is sought for the change of use of Penrhiwceiber Library (D1) to a children's play and activity centre (D2). The submitted plans indicate that there would be no internal or external alterations to the building, however, the applicant has stated that an area of the property (yet to be decided) would be used for the provision a small ancillary cafe for use by the customers of the play centre only.

It is proposed that the business be open between the hours of 09:00 – 18:00 Monday to Thursday, 09:00 – 20:00 on Fridays and Saturdays, and 12:00 – 16:00 on Sundays employing 3 full time and 2 part time members of staff.

The applicant has stated that there are no similar children's play centres in the locality and that the proposed use would therefore benefit residents of the local community by providing a much needed facility in the village.

The application is accompanied by the following:

- Design and Access Statement;
- Proposed Use Justification Statement.

**SITE APPRAISAL**

The application property is a traditional stone built, single storey building located on the junction of Church Street and Cross Street, Penrhiwceiber. It originally formed part of the adjacent primary school but most recently operated as a public library. This use ceased in July 2014 and the building has been vacant ever since.

The locality is predominantly residential in nature comprising mainly linear rows of traditional terraced properties. There is however a number of community use buildings in the immediate locality including a community centre, a church, a day centre and a school. Additionally, the main highway through the village runs parallel to Church Street which is occupied by a mixture of both residential and various commercial properties.

The application building itself fronts the footways along both Church Street and Cross Street and is bounded by Penrhiwceiber Primary School to the rear. A service lane with a residential property beyond is located to the north. As such there is no off-street parking at the site and no space to provide any spaces in future.

## **PLANNING HISTORY**

Planning applications submitted within the last 10 years include:

04/0516	Penrhiwceiber Community School, Cross Street, Penrhiwceiber	Conversion of redundant dining hall to public library	Granted 03/06/04
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. 9 letters and a petition with the names of 35 local residents have been received in objection to the scheme, making the following comments (summarised):

- There is already a lack of parking spaces in the locality. The proposed change of use would exacerbate this issue.
- The change of use would have a detrimental impact upon pedestrian and highway safety in the locality through increased traffic.

205 letters in support of the scheme have also been received, making the following comments (summarised):

- There are no other facilities of this nature in the locality. The children's play centre will provide a much needed facility in the village that will offer a safe, indoor environment for young children to play and socialise.
- The facility will improve community spirit in the area by allowing people, young and old, to socialise in a safe environment.
- The facility will bring much needed jobs and revenue into the area helping to regenerate the village.
- The proposed use will bring a vacant building back into use rather than leaving it empty to become a target for crime and antisocial behaviour and eventually derelict and unsafe.

## **CONSULTATION**

Transportation Section – no objections subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act to secure a contribution of £5000 to mitigate against the impact of the proposal upon highway and pedestrian safety in the vicinity of the site.

Education and Lifelong Learning – no objection.

Early Years and Family Support Services – no objection.

Public Health and Protection – no objection.

Countryside, Landscape and Ecology – no objection.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Penrhiwceiber, but is not allocated for any specific purpose.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses. Developments should support the role and function of small settlements.

**Policy AW4** – planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities, infrastructure and related works, to make the proposal acceptable in land use planning terms.

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

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

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

### **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 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), 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 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**

This application seeks the change of use of Penrhiwceiber Public Library (D1) to a children's play centre (D2). The former library was vacated in July 2014. The property lies inside the defined settlement boundary and is conveniently located on the fringe of Penrhiwceiber's designated local and neighbourhood centre. As such, it boasts excellent access to a range of sustainable transport options being easily accessible on foot as well as via train and bus services; both of which are located in the immediate vicinity of the building. It is therefore considered that the proposal complies with the requirements of Policy AW2 which aims to support sustainable development.

The proposed play centre would bring the vacant building back into use whilst also providing a local facility for children's play and the equivalent of 4 full time jobs within an area suffering high levels of unemployment, dereliction and depopulation. There are no similar facilities in the locality, with the nearest known indoor children's play centre of this kind being sited on Aberaman Industrial Estate approximately 8 kilometres away. As such, it is considered that the proposed change of use would make a valuable contribution to the local area and would comply with the objectives of Policy CS1 which seeks to promote sustainable growth within the northern strategy area, particularly by reusing vacant and under used buildings.

Subsequently, having considered all of the information presented, no policy objections have been raised by the Council's Spatial Planning Section and the change of use, in principle, is acceptable subject to the criteria set out below.

### **Residential Amenity**

It is acknowledged that the proposed change of use of the building from a public library to a children's play centre could potentially result in an intensification of its use and that this may impact upon the amenity of the surrounding residents through additional noise and disturbance. However, given that no external space is proposed at the play centre and that all activities would take place wholly within the property, it is considered that any potential noise from the building itself would be minimal and it is envisaged that any potential impact would be limited to the comings and goings to and from the building.

The application property is detached from any other building having a school sited to the rear, a community centre opposite and the width of the highway, Cross Street, between it and the nearest residential properties along Glanlay Street to the south. As such, it is not considered that there would be any significant impact upon these properties.

It is however acknowledged that the building is located in close proximity to the immediate neighbouring properties along Church Street to the north and it is accepted that there will be a degree of impact upon the residents of these properties. However, as noted above, the building has historically operated as a public library and as a school building before that where there would have been potential for a significant number of people to be using it and coming and going at any one time, albeit during weekdays only. These uses would have generated some noise and disturbance not dissimilar to that which would be created by the proposed use and it is also noted that the affected properties are located on a busy street where a significant amount of noise and disturbance is already experienced by residents. As such, it is not considered that the general use of the building operating as a children's play centre during the day time would result in significantly more disturbance than that which could have previously occurred.

It is also noted that the current permitted use of the building, D1, would allow it to be converted to a variety of different uses without the need for planning permission, many of which are similar to that proposed and would have a comparable impact to that of a children's play centre, i.e. nursery, crèche, place of worship, clinic, health centre, public hall, etc. Therefore, whilst there would inevitably be some impact from the proposed development, it is not considered that the change of use would be any more detrimental in comparison to a use that could be undertaken at the site without the need for planning permission.

It is also noted that no objections have been received from the Council's Public Health and Protection Division and that a significant amount of letters have been received from local residents in support of the scheme.

As such, whilst it is acknowledged that there will inevitably be some impact upon the amenity of surrounding residents, it is not considered the proposed change of use would result in a significant enough detrimental impact upon the amenity of the nearby residents to warrant refusal of the application. However, should Members be minded to approve the application, it is suggested that a condition be added to any

consent in order to limit the hours of operation to minimise any impact the proposed use may have upon the surrounding residential properties.

### **Highway Safety**

Objections have been raised by a number of local residents with regard to the potential impact the development may have upon highway safety in the locality. In order to fully assess this matter, consultation has been undertaken with the Council's Transportation Section. Their response raises no objections to the application but details that there are concerns with the lack of off-street parking at the site and within its immediate vicinity. It is commented that the proposed children's play centre would require up to a maximum of 22 off-street car parking spaces in accordance with SPG Access, Circulation and Parking 2011, however, given the nature of the building and the surrounding streets, none are currently provided and none can be provided in future which may lead to further indiscriminate on-street car parking in the locality.

It also commented that the carriageway fronting the site has a width that varies to a minimum of 6.6m and that further indiscriminate on-street car parking at this location could narrow the available width of carriageway to 2.6m which is not sufficient for safe two-way vehicular movement and is sub-standard for a typical fire tender which would require 2.75m. Furthermore, indiscriminate on-street car parking in close proximity to the junction of Cross Street and Church Street would impact upon the visibility and junction radii to the detriment of safety of all highway users. Some concern is also expressed with regard to vehicles indiscriminately parking on the footways which could force pedestrians into the carriageway.

Notwithstanding the above, whilst it is acknowledged that the proposed change of use may have an impact upon highway safety in the vicinity of the site, the Transportation Section note that the building could be converted to a number of similar uses to that proposed without the need for planning permission (as detailed above) any of which would have a comparable impact to that of the proposed play centre. Therefore, whilst there is some concern, it is not considered that the change of use would be any more detrimental in comparison to a use that could be undertaken at the site without the need for planning permission. Subsequently, on balance, no highway objections are raised subject to the applicant entering into a legal agreement (via a Section 106 Agreement) to secure a contribution of £5000 to mitigate against the impact of the proposal upon highway and pedestrian safety in the vicinity of the application site. The contribution would be used to undertake assessment, consultation and implementation of Traffic Regulation Orders in the vicinity of the site to maintain free flow of traffic in the interests of highway safety.

### **Visual Impact**

The proposal is considered acceptable in terms of its potential impact upon the character and appearance of the locality. As previously detailed, no external alterations to the building would be required and it is proposed that the conversion

would be undertaken wholly within the fabric of the existing building. As such, there would be no impact upon the visual amenity of the surrounding area.

## **Other Issues**

### Childcare

Following consultation, no objections have been received from the Council's Education and Lifelong Learning or Early Years and Family Support Services Sections. As such, it is considered that the applicants would be able to operate a successful children's play centre at the property should planning permission be granted.

### Ecology

A SewBrec search has found that a bat roost has been sited in close proximity to the application site. Due to the nature of the development no objections have been raised by the Countryside, Landscape and Ecology section. It is however advised that an informative note be added to any consent highlighting this matter.

## **Section 106 Contributions / Planning Obligations**

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

### **The Section 106 requirements in this case**

As detailed earlier in the report, the Transportation Section has requested that the applicant enter into a Section 106 agreement to make a financial contribution in the sum of £5000 towards the assessment, consultation and the implementation of Traffic Regulation Orders to mitigate the impact of the development upon highway and pedestrian safety. It is considered that this requirement meets the aforementioned tests and is reasonable in this instance.

Members are advised that should they be minded to approve the application subject to the Section 106 agreement detailed above, should the agreement not be finalised prior to 31<sup>st</sup> December 2014 (the proposed CIL implementation date), the Traffic

Regulation Order would not be CIL liable and the application would still be subject of the Section 106 agreement.

## **Conclusion**

The application represents an appropriate change of use of a vacant and disused building within an area where there is a lack of investment. It is not considered the proposal would have a significant impact upon the residential amenity of the surrounding neighbouring properties or upon highway safety. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies CS1, AW2, AW5, AW6 and AW10) and is recommend for approval subject to the applicant entering into a Section 106 agreement to pay the sum of £5000 towards the cost of the implementation of a Traffic Regulation Order in the vicinity of the site.

## **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan ref. Proposed Ground Floor Plan and documents received by the Local Planning Authority on 11/09/14.

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

3. The premises shall be used as a Children's Play Centre only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To define the extent of the consent granted and to protect the amenity of surrounding residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The proposed children's play centre use shall not be permitted to open outside the following hours:

- 09:00 to 18:00 Mondays to Thursdays
- 09:00 to 20:00 Fridays and Saturdays
- 12:00 to 16:00 on Sundays

- Not at all on Bank Holiday

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

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**4 DECEMBER 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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