

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
5 FEBRUARY 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.6
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No. 14/1430 - High head micro-hydro scheme with associated buildings and works, Hydro Intake Located on The Cwm Ogwr Fach, north of the B4564 Public Highway.
2. Application No. 14/1655 - Residential development, new local centre, car parking and access (resubmission), Bryncae Industrial Estate, Bridgend Road, Llanharan.

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**Committee Report produced for Planning Committee
on 05 February 2015**

APPLICATION NO: 14/1430/10 (DB)
APPLICANT: The Ward of Blackmill Environmental Group CIC
DEVELOPMENT: High head micro-hydro scheme with associated buildings and works
LOCATION: HYDRO INTAKE LOCATED ON THE CWM OGWR FACH, NORTH OF THE B4564 PUBLIC HIGHWAY
DATE REGISTERED: 12/11/2014
ELECTORAL DIVISION: Gilfach Goch

RECOMMENDATION: Approve

REASONS:

The development site straddles the administrative boundary of Rhondda Cynon Taf and Bridgend County Borough Council. Bridgend County Borough Council have not yet approved their portion of the scheme and which is the subject of a consultation with this Authority Ref: 14/1506.03. The report in respect of this application is presented to this Committee.

The principle of the development is considered acceptable, being a small scale hydro electric power development that would contribute to the Welsh Government's commitment to optimising renewable energy generation. It is considered that the proposed development can be reasonably 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 flood risk, the amenity of nearby residential properties, highway safety or ecology. The development is therefore considered to comply with the relevant policies of the Local Development Plan.

APPLICATION DETAILS

This is a detailed (full) planning application for the construction of a 14.2 KW hydro power scheme, which would be exported directly to the National Grid. The scheme would ensure that 70% of the flow in the stream would be removed above Q95, to provide a maximum peak water flow of 150 litres per second. It is estimated that the scheme would run at its maximum power for at least 15% of the year.

As stated in TAN 8, the technology for harnessing water power is well established. Water flowing from a higher to a lower level is used to drive a turbine, which produces mechanical energy which is turned into electrical energy by a generator. The energy produced is directly proportional to the volume of water and the vertical

distance through which it falls. This scheme is a “run of river” scheme where water is taken from an existing watercourse from behind a low weir and returned to the same watercourse after passing through a turbine. The essential elements of a run of river hydro scheme are:-

- A constant supply of water – a sufficient depth of water at the point of abstraction is required and this is achieved by building a low weir (typically around 2m high) across the watercourse. This is known as the “intake”,
- A pipeline often known as a penstock, to connect the intake to the turbine,
- A building to house the turbine, generator and ancillary equipment,
- A “tailrace” returning the water to the watercourse and
- A link to the electricity network or the user’s premises.

The portion of the development within RCT would comprise of the intake comprising of a small impoundment dam, weir and forebay tank and a 60m section of the overall 870m length of pipeline which would connect the intake to the turbine. The turbine house, discharge point back to the watercourse and link to the electricity network are all located within the administrative boundary of Bridgend County Borough Council.

The intake for the hydro scheme would be located where there is a cascading waterfall comprising a series of three steps. The intake would be located on the face of the uppermost step where a small impoundment dam and weir wall would be built on top of an existing concrete slab foundation within the channel. Flow would be diverted into the intake pipe line which would carry water to the turbine house further down the valley.

The weir would be 1.2m high (extending approximately 514mm to the weir crest above the top of the fall) and the dam would be an additional 260mm high at the sides to focus the main water flows through the middle weir section. The dam would need to be approximately 4m long as it would need to be built into the banks on each side of the existing stream.

Water flowing over the weir would pass through a screen (with maximum 3mm diameter round holes to prevent larger sized solid materials from being drawn into the system) which would be bolted to the top of the prefabricated stainless steel intake tank (this tank would be bolted to the dam wall and rock). The intake tank would contain the compensation notch and the start of the pipeline to the forebay tank. The intake structure would be shrouded in concrete to add protection for high flows with elements of steel reinforcement. Dye would be added to the concrete to allow the structure to merge with the surrounding environment.

A separate forebay tank measuring 3m x 3m x 1m depth would be built of concrete approximately 7m from the intake. It would be constructed by excavating into the existing bank, securing the tank on a firm base and covering the tank with the excavated soils. A man hole cover would be visible on the ground surface to allow access. The tank would contain the level sensor which is linked to the spear valve in

the turbine house and would control water flows. Water level sensors would be fitted into the tank to assist with automation of the abstraction.

The pipeline would consist of a 450mm external diameter high density polyethylene pipe (HDPE) of 6m or 12m lengths, which would be connected through butt fused joints into longer lengths, prior to being installed. There would also be a cable of about 5mm diameter which would run the full length of the pipe from the forebay tank to the turbine house. It would either be laid on the surface or secured with steel straps under the pipe route.

The pipeline would be visible for its initial 1m length and thereafter it would be buried for a length of 7m to connect to the forebay tank, for a distance of 13m to the B4564, then located within a road crossing for 8m and then buried for a distance of 20m to the RCT boundary. Thereafter it would run parallel with the public footpath for the extent of its route and follow the straightest route to the turbine house.

For construction purposes, access to the site would be taken from the public highway, the B4564 and via existing tracks. Traffic generation for construction purposes would comprise of four 4 wheel drive vehicles and two cars each day and the delivery of small plant and equipment. A construction compound would be provided within the existing public car park adjacent to the intake area to contain all equipment, machinery and materials and which would include a lock up unit. The development would be constructed in phases to allow for the adjacent footpath to be diverted as and when necessary to retain pedestrian access adjacent to the development at all times. Movement within the site would comprise of a mixture of small vehicles and by foot. Once operational there would be an annual maintenance check. The construction period is anticipated to be 10 weeks.

The construction works would involve minor engineering works within a section of the watercourse channel that is already modified. No excavations are proposed to the stream bed however excavations would be required within both side banks of the stream as the weir walls would extend into the banks. No modifications are proposed to the existing access.

All the disturbed land of the banks and the route of the pipeline would be reinstated by reusing the disturbed subsoils and topsoils and reseeded with an appropriate grass seed mix where appropriate.

A number of measures are proposed to alleviate any effects to biodiversity. These include limiting the construction works to specific times of the year, a temporary piped diversion of the stream, limiting disturbance and/or removal of existing vegetation and loss of trees, designing the intake structure to allow the safe passage of fish and mitigation measures for other species.

The applicant would be responsible for long term maintenance of the scheme. All profits of the development would be provided to the applicant's parent company, The

Green Valleys Community Interest Company and used to continue to invest in other schemes to limit carbon emissions and generate green energy.

The application is accompanied by the following documents:-

- Planning Statement
- Design Statement
- Access Statement
- Construction Methodology Statement
- Biodiversity Impact Assessment, Mitigation and Enhancements
- Micro Hydro Feasibility Report
- Traffic Statement
- Flood Risk – Hydraulic Assessment
- Ecological Appraisal

SITE APPRAISAL

The site covers an area of 0.10ha. It consists of land consisting of the Cwm Ogwr Fach watercourse and land immediately adjoining which is made up of rough grassland, an informal car park area, tarmaced footpath and a soft access footpath.

The entire site is located within land which formed part of the former land reclamation scheme undertaken by the former Mid Glamorgan County Council in the early 1980's and which was also subject to access improvements in the 2000's.

The stream was formed during the land reclamation scheme and therefore consists of a man-made sandstone bed with some exposed concrete slab steps and steep banks and has an average width of 2.4m.

The nearest residential properties to the site are located approximately 170 metres to the north west of the site in High Street, Noddfa Flats and New Blandy Terrace, Gilfach Goch.

PLANNING HISTORY

14/0847	Hydro Intake, Cwm Ogwr Fach, north of B4564 Public Highway, Gilfach Goch	High head micro-hydro scheme with associated buildings and works	Withdrawn 15/09/14
04/2320	Former Britannic Tips Reclamation Site	Improved means of pedestrian access to existing development including fencing, footpath retaining structures, footbridges, footpath surfacing and drainage.	Granted 18/03/05

PUBLICITY

As part of the application process, formal notices were placed in the vicinity of the application site and individual letters were also sent to the occupiers of the nearest residential properties to the application site. No response has been received as a result of this publicity.

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.

Public Health and Protection Section – no objections are raised subject to conditions regarding hours of operation, noise minimisation, dust control and waste disposal, as the site is situated in close proximity to a number of residential properties.

Transportation Section – no objections are raised subject to conditions to secure a construction method statement and resurfacing of the vehicle cross over.

Drainage/Land Reclamation – no objections are raised subject to the inclusion of appropriate drainage conditions.

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

Natural Resources Wales (NRW) - raises no objections subject to conditions to secure a Construction Environment Management Plan (to include methodology regarding otters, bats (if potential within trees to be removed), and measures to enhance the biodiversity of the site.

Countryside, Landscape and Ecology Section – raises no objections subject to the imposition of appropriate conditions. Advises that there are no relevant records of Statutory Protected Species from the immediate vicinity.

Bridgend County Borough Council - raises no objections, subject to this Authority being satisfied that sufficient details are provided regarding contamination, flooding and maintenance for the lifetime of the development.

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 Site of Nature Conservation Interest (SINC Gilfach Goch Slopes) and 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 sandstone 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;
- 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.

Policy 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, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity. Flooding is recognised as an important consideration in respect of the generation of hydro –electricity.

Policy AW14 – safeguards mineral resources from any development which would unnecessarily sterilise or hinder their extraction, including coal and sandstone.

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) Paragraphs 3.12 and 3.13 and Annex C Paragraphs 10.1 -10.9 provide an overview of hydro power schemes.

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 hydropower. It states that it is a well developed form of renewable energy and potential exists in Wales for mainly small scale ‘run of river’ schemes up to a few hundred kilowatts. It provides a summary of the key elements of the equipment and infrastructure needed and a summary of the potential impacts, design, mitigation and enhancement measures for small scale hydro schemes.

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 whether the principle of the development is acceptable in this location, whether the renewable energy scheme would have any adverse impacts on: the character and appearance of the surrounding area and visual effects, nature conservation and flooding. Other important considerations include whether the scheme would have any adverse impacts on residential amenity of those living closest to the site, access and highway safety, cultural heritage and whether resource use and mineral resources are minimised.

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 water power 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 12.8.9 of PPW advises that *"Local Planning Authorities should facilitate the development of all forms of renewable and low carbon energy"*. Paragraph 12.8.15 clarifies that *a renewable energy project of less than 50 kW is regarded as a micro scale of project. The Planning Guidance to TAN 8 recognises that hydro power is a well developed form of renewable energy and Paragraph 3.12 of TAN 8 advises that "most new hydro-power structures involve "run-of-river" schemes, by far the most likely for developments in Wales"*.

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

The proposed hydro power scheme is a micro scale energy project which PPW supports in principle in any location. It lies in the countryside and covers an area of 0.10ha.

The proposal is not a permanent development and is being proposed for an initial period of 30 years. Thereafter, permission would be extended or it would be removed and the land reinstated to its former condition.

It is considered that the proposal would support the above planning policies by providing a modest but useful contribution to meeting the target for the production of energy from renewable sources, at the local level. As such, it is considered that the principle of developing the site for the provision of a hydro power scheme is 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 hydro power is established, both national and local policy requires the principle to be balanced against the need to protect the landscape character and visual amenity of the area.

The planning guidance to TAN 8 states that small scale hydro schemes including dams, weirs and turbine houses are often common features in the rural landscape. However, it states that careful consideration of the siting and design is important to ensure integration with the surrounding landscape. The main impacts likely in respect of the character of the landscape and visual impact are stated to relate to the proposed structures and changes in the visual appearance in the river course particularly where there are rapids or waterfalls affected by water abstraction. In areas of more open landscape, high standards of design are stated as helping to minimise visual impacts, including the use of local materials for weirs and built structures, along with vegetation screening. Burying pipelines and minimising hard surfacing and planting can also help to integrate the scheme into the rural landscape.

In terms of the above criteria, the landscape and visual impacts would be limited. The site falls outside any nationally protected landscape designations and outside any local non statutory designations such as Special Landscape Areas. The proposed development would involve a small scale weir and dam structure which would be utilitarian in appearance but which would utilise an existing stepped waterfall within the man made watercourse. There would also be some minor engineering works to construct a forebay tank and the proposed pipeline would be buried apart from the initial 1m length. All land disturbed would be reinstated with recovered soils and appropriate grass seeding undertaken. Two small trees would be felled to construct the pipeline. Whilst there would be 70% less water in the downstream part of the watercourse, this stretch is located within a confined well vegetated channel and this impact is therefore considered to be insignificant in landscape terms. It is therefore considered that the scheme would be fairly well integrated into the existing rural landscape. Conditions can be imposed on any consent granted to secure the precise details of the external appearance of the development features, reinstatement of the ground affected by the construction

works and the provision of a restoration scheme following the cessation of the development.

The hydro scheme would not be widely visible and effects on visual amenity would be limited to the open ground, the footpaths, the car park adjacent to the site and glimpsed views from the public highway in close proximity to the site.

Therefore, due to its location and its small size and appearance, it is considered that the hydro scheme would be of an appropriate scale and could be accommodated within the existing landscape without causing significant harm to the landscape character, visual amenity or existing landscape attributes of the area. It is therefore considered that the proposal complies with the provisions of Policies AW6 and AW12 of the LDP.

Nature Conservation

The application is accompanied by an ecological appraisal and a biodiversity impact assessment. These show that the site does not form part of any statutory or non statutory designated site for nature conservation or is immediately adjoining such sites, the nearest designated site being Rhos Tonyrefail SSSI located approximately 1.8km to the south east of the site. The appraisal states that the nearest non statutory SINC is located immediately to the north-west, west and south west of the site known as Gilfach Goch Slopes (AW8.169) as identified in the LDP. However, the site is located within this SINC.

The appraisal identifies that the proposed development would result in the loss of species poor grassland and bare ground which would be restored. No areas of woodland would be lost and although one willow and one alder tree would be lost these trees have no potential to support roosting bats. The survey work does not identify any protected or priority species within the site although it is accepted that there is the potential for otter to utilise the watercourse.

It is recognised by the applicant that the proposed development would have a localised impact on the banks and bed of the watercourse, some short term deterioration in water quality and a localised impact on the aquatic environment due to the reduction in water flows.

A number of mitigation measures are proposed including avoiding the bird nesting period during the construction works, protecting the water quality by adhering to the Construction Methodology Statement, restoring the disturbed areas, and a number of general mitigation measures for fish, otters, bats, birds and lower plant species, which are detailed within Section 6.2 of the Biodiversity Impact Assessment.

The Council's Countryside Section has considered the proposals and has raised no objections subject to the imposition of conditions to secure water pollution control, restoration works, survey work and a wildlife protection plan. NRW have raised no objections but have recommended a number of conditions to secure a revised Construction Environment Management Plan to prevent water pollution and adherence to section 6.2.2 of the Biodiversity Impact Assessment to ensure adequate preventative measures for the protection of potential impact on otters.

It is therefore considered that there would be no ecological constraint subject to the imposition of appropriate conditions as detailed above and that the proposed development would comply with the provisions of Policies AW8 and AW12 of the LDP.

Flooding

The Flood Risk Assessment has investigated the effect of the proposals on flood levels for a one in 100 year flood event plus a 30% increase in flows to assess the effects of climate change. The study focuses on the effect of the intake structure of the weir as it is considered that it is only this structure which would affect flood flows. It concludes that the structure would generally raise flood levels at the weir by approximately 0.4m. During flood flows this level would reduce to less than 0.1m (as due to the additional water pressure the water would be diverted down the pipe). At times of the one in 100 year flood event (plus a 30% increase in flow to take account for climate change), the depth of water behind the intake weir would be 2.2m. The backwater effect during such a flooding event would result in water reaching up to 60m upstream of the weir. The study notes that the valley upstream is steep sided and there is no property or roads at flood risk from any such increased flood levels and the water would be able to bypass the structure without escaping elsewhere and return to the channel downstream.

The Council's Drainage Section has considered the flood assessment and has advised that in principle the proposals are acceptable. No objections have been raised subject to a condition to secure the details of the proposed mitigation measures. It is also considered that a condition is required in order to secure the details of the maintenance of the hydro scheme for the lifetime of the development. NRW have raised no objections subject to conditions to secure pollution prevention measures during construction operations to minimise pollution to the watercourse through an updated Construction Environment Management Plan. NRW have also advised that the scheme would require an Abstraction License and a Flood Defence Consent under the Water Resources Act and the Land Drainage Act and the applicant is already in discussion with NRW regarding these matters. 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.

Impact on residential amenity

The nearest residential properties are located to the north east of the site approximately 170m away. The construction phase of the development has the potential to have an impact on the amenities of these local residents. However, the construction activities are of limited extent and 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 construction activities subject to conditions to cover hours of operation. It is considered that, subject to the imposition of this condition, the proposed hydro scheme 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 the residential amenity of nearby residents and complies with Policies AW5, AW10 and AW12 of the LDP.

Access and highway safety matters

The construction of the proposed development would take approximately 10 weeks and involve a limited number of vehicular movements. It would involve the use of an existing access from the B4564 to an unofficial car park.

The Transportation Section have considered the proposals in terms of highway safety matters and have raised no objections subject to a number of conditions to secure the resurfacing of the existing vehicular cross-over to the public highway and a Construction Method Statement to secure the management of vehicular and pedestrian access to the existing car park, details of the storage of plant, materials and parking facilities.

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

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) has advised that the information in the Historic Environment Record shows that the site is situated at the site of the former Gilfach Goch Colliery. GGAT has advised that as the proposed development is relatively small scale and is unlikely to encounter significant archaeological remains no archaeological objection is raised to the positive determination of the

application. It is further considered that due to the implementation of the former land reclamation scheme on the site, there is even less likelihood of encountering any archaeological remains.

It is therefore considered that the proposed development would be in keeping with the provisions of Policy AW7 of the LDP.

Coal Mining related Hazards

The proposed development lies within a low risk coal mining area which may contain unrecorded hazards arising from former coal mining activities. However, as the site is located within the site of the former land reclamation scheme it is unlikely that such hazards would arise. In any event a note can be imposed on any consent issued to notify the applicant of this low risk.

Mineral resources

In relation to Policy AW14.2, of the LDP, the proposed development is considered unlikely to unnecessarily sterilise or hinder the resources of sandstone on the application site and adjacent land due to its temporary nature and small extent.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusions

The development represents a small scale hydro scheme 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 would have a limited impact on the existing landscape character, visual amenity and nature conservation features and resources within the site. No objections have been raised by statutory consultees and the scheme would comply with the local policies of the LDP including AW12 which permits renewable energy schemes provided there are no unacceptable effects on the interests of matters including soil conservation, nature conservation, wildlife, natural and cultural heritage, public health and residential amenity.

As such, therefore, it is considered that the proposed hydro scheme is acceptable subject to the attached recommended conditions, to secure the mitigation measures referred to in the main report.

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 – received 30.10.14.
- ii) Intake Block Plan – received 30.10.14.
- iii) Hydro Intake – received 30.10.14.
- iv) Plan View of Forebay tank – received 30.10.14.
- v) Proposed elevation view of forebay tank – received 30.10.14.
- vi) General Penstock and Cable Cross Sections – received 30.10.14.
- vii) Biodiversity Impact Assessment – received 30.10.14.

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 and pipelines 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. Operations shall not be commenced until details of the colour, external finish, final siting and design of the intake for the hydro scheme 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.

7. No development whatsoever shall be allowed to commence until the Local 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.

8. No development approved by this permission shall be commenced until a Construction Environment Management Plan (CEMP) 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 CEMP should identify as a minimum;

- the means of access for all construction together with the temporary construction compound and storage for all plant and machinery, the facilities for parking for site operatives and visitors, loading and

- unloading of plant and materials
- the management of vehicular and pedestrian traffic
- wheel cleansing facilities and sheeting of lorries
- measures to control the emission of dust and dirt during construction
- pollution prevention measures especially during the trenching, culverting and earthworks
- recycling/disposal of waste resulting from the construction works
- the details of the restoration of the land taken up by the temporary construction compound and temporary access routes including the re-surfacing of the existing vehicular crossing
- the details of the restoration of the disturbed land taken up by the pipeline and all construction areas.

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

Reason: In the interests of highway and pedestrian 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.

9. Prior to the commencement of the development a report indicating the methodology for undertaking a survey of the baseline aquatic invertebrate assessment of the affected section of the stream and resurvey 5 years after the beneficial use of the development, shall be submitted to and approved in writing by the Local Planning Authority. The report should include:

- a) details of the part of the stream 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)

The hydro scheme hereby permitted shall not become operational until the initial survey has been carried out and has been submitted to and approved in writing by the Local Planning Authority. The resurvey shall be carried out in accordance with the approved details and timescale.

Reason: In the interests of nature conservation in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the measures within Section 6.2 of the submitted Biodiversity Impact Assessment and :

- An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
- Persons responsible for:
 - i. Compliance with legal consents relating to nature conservation;
 - ii. Compliance with planning conditions relating to nature conservation;
 - iii. Installation of physical protection measures during construction;
 - iv. Implementation of sensitive working practices during construction;
 - v. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi. Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

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

11. Prior to the commencement of the development a management plan detailing all necessary measures for the management of the development for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and drainage in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to the first beneficial use of the development, a Decommissioning Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including; the method for the removal of all the structures, 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.

13. 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 hydro scheme facility, or within six months following a permanent cessation of construction works prior to the hydro scheme facility coming into operational use, whichever is the sooner, the hydro scheme and all associated structures 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 12) 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:	14/1655/10	(GD)
APPLICANT:	Rhondda Housing Association	
DEVELOPMENT:	Residential development, new local centre, car parking and access (resubmission).	
LOCATION:	BRYNCAE INDUSTRIAL ESTATE, BRIDGEND ROAD, LLANHARAN	
DATE REGISTERED:	18/12/2014	
ELECTORAL DIVISION:	Brynna	

RECOMMENDATION: Approve

REASONS:

The proposed development is policy compliant and would remove dereliction and deliver much needed social housing in an area of high demand.

APPLICATION DETAILS

This is an application for full planning permission for the demolition of the existing buildings on site and their replacement with 33 affordable homes and new local shops comprising three retail units (2 use class A1 and one use class A3). The proposal will also provide a new access from Bridgend Road to the site and the provision of appropriate levels of car parking.

The housing will comprise: –

- 4no. three bedroom two storey houses.
- 2no. two bedroom two storey houses.
- 1no. three bedroom adapted bungalow.
- 8no. two bedroom bungalows.

Additionally there will be four apartment blocks on the site providing the following accommodation: –

- Apartment block 1 - 7no. one bedroom flats (7th flat on 2nd floor)
- Apartment block 2 - 7no. one bedroom flats (7th flat on 2nd floor)
- Apartment block 3 – 1no. one bedroom flat & 1no. two bedroom flat
- Apartment block 4 – 2no. two bedroom flats.

The local centre will front on to Bridgend Road and will comprise a single storey convenience store with a floor area of 375 sq m., together with 2 smaller retail units designed to accommodate a small bakery, floor area 111 sq m. and a take away restaurant floor area 86 sq m. (both units single storey construction). The local centre is served with a separate parking facility with 21no parking spaces (including two disabled bays) and cycle parking provision. The retail units will be serviced from dedicated loading areas which provide appropriate turning facilities for vehicles servicing the intended shops. The parking and servicing area serving the shops will have its own independent access from the proposed site service road. It is in the areas of parking provision and servicing where the current application differs from that previously considered under application 13/1004 in that an additional parking space has been provided and the smaller loading bay has been relocated and provided with a side servicing strip. The larger delivery bay remains in its original location. In addition to this though the agent has also indicated that the applicant has indicated a willingness to pay for a Traffic Regulation Order to prevent deliveries being made from the highway and that in addition to the previously proposed restrictive condition that would limit the length of delivery vehicles to no more than 10.7m they are prepared to have this requirement incorporated into the Section 106 agreement.

The residential element of the development will be finished in a combination of Sahara Stone panelling and rendered blockwork throughout with a fibre cement slate to the roofs. The exception will be on the larger apartment units the appearance of which will be supplemented by the use of weatherboards on the central three storey

core. Further detail will also be provided by the use of Staffordshire Blue brick to form door and window reveals, cills and lintels. The windows for the residential element of the proposal would be in uPVC while the shop units would benefit from the same combination of external wall finishes, larger powder coated aluminium window frames and shallow mono-pitch roofs.

Access to the site will be derived via an improved existing access from Bridgend road forming a fourth arm from the existing mini roundabout from Bridgend Road opposite Ffordd Dol Y Coed. The access road will project 70m. into the site at right angles to Bridgend Road forming a double hammerhead at its northern end and will have a series of private drives off it serving the wider development. The exception to this will be the 4no. three bedroom houses which front Duffryn Crescent which will have direct access on to that road. All properties will have off street parking provision which in most cases will be to the side of the building it is intended to serve. The exception to this will be a parking courtyard located centrally on the northern boundary of the site which will serve apartment blocks 1 & 2 and the three bedroom adapted bungalow. Pedestrian access into the site will also follow the routes described above.

The application is accompanied by the following:

- Planning and Retail Statement;
- Design and Access Statement,
- Transport Statement,
- Noise Impact Assessment,
- Extended Phase 1 Habitat Survey,
- Preliminary Site Investigations,
- Local Flood Risk Assessment,
- Road Safety Audit,
- Drainage Philosophy Statement, and
- Demolition Method Statement.

SITE APPRAISAL

The application site is formed by the western part of the Bryncae Industrial Estate and an area of open ground with frontage on to Duffryn Crescent. This gives the site an angular overall shape around a central rectangular core. In total the site comprises some 1.14 hectares of land located to the north of Bridgend Road in the centre of Bryncae which is approximately three quarters of a mile (1.2km) west of the centre of Llanharan. The application site other than the element that fronts on to Duffryn Crescent, comprises industrial land and buildings which appear either vacant or in casual usage with a rundown appearance, surrounded almost entirely by residential development.

The industrial estate element of the site is relatively flat and sits at a slightly lower level than Bridgend Road. The existing access and circulation roads on the estate

indicate that there is a very shallow fall in a northerly direction towards the newer housing on the Barratt's estate to the rear of this site. The part of the site that has frontage on to Duffryn Crescent sits at a higher level than the rest of the application site occupying the crest of a hill before that street falls in a north westerly direction. Access to the main part of the site already exists as does that to the Duffryn Crescent element of the site.

PLANNING HISTORY

The site has an extensive planning history most of which relates to the business operations that have operated from the site over the years. The following applications are considered the most relevant in the consideration of the current application.

13/1004	Bryncae Industrial Estate, Bridgend Road, Llanharan	Proposed residential development, new local centre, car parking and access	At the time of report preparation the appeal against non determination of this application remains undetermined.
07/1925	Bryncae Industrial Estate	Demolition of existing buildings, residential development, new access road & associated works	Approved 21/08/08
06/0174	Land at Duffryn Crescent	Residential development (max 5 houses)	Approved 12/05/06
05/1795	Land at Duffryn Crescent	Residential Development	Refused 19/12/05
04/0246	Bryncae Industrial Estate	44no. residential semi detached and detached houses, garages, roads drainage and associated works	Approved 20/01/05
03/0407	Land at Duffryn Crescent	20 x 2 person 1 bedroom flats	Withdrawn 14/07/08
95/0328	Bryncae Industrial Estate	Residential Development	Approved 01/08/95
91/0137	Land at Duffryn Crescent	24no. 1 bedroom flats	Refused 25/09/91

90/0635	Land at Duffryn Crescent	Residential Development	Approved 01/10/90
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PUBLICITY

The current application has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in the submission of 9 letters opposing the proposed development on the following grounds:–

Highway Issues

- There is a lack of any recent traffic survey.
- There has recently been a substantial increase in the amount of traffic on the A473 as a result of new residential development to the south.
- The A473 is congested and unsuitable for large and articulated vehicles that would want to access the site.
- Any new development in the area would have a significant safety impact on pupils walking or cycling to the nearby Dolau Primary School. Indeed the busy road being made worse by the development would make it more dangerous for all children.
- Access to the site via the mini roundabout would prove problematic particularly to larger vehicles.
- A similar development in nearby Pencoed suggests that the retail development would generate a substantial amount of traffic which would cause problems during opening hours.
- The proposed Llanharan by pass does not look as though it would be built in the next ten years.
- The existing roundabout is dangerous and there have in recent years been a number of accidents and near misses and the proposed development would only exacerbate this situation.

Retail and Fast Food Development

- The proposal will have a significant and detrimental effect on existing long standing retail and food businesses.
- RCT have already approved a planning application that involves major investment in and expansion of an existing local business and this proposal now places that in jeopardy.
- The effects of allowing this proposal would also be felt in Llanharan and Brynna and not just Bryncae.

Design and Amenity Issues

- The retail development will result in increased noise and disturbance with customers and traffic visiting and leaving the site up until 11pm.

- Increased disturbance as a result of the redevelopment of the site would represent a violation of Article 8 of the Human Rights Act which protects a person's substantive right to respect for their private and family life.
- The proposed development does not respect local context or street pattern and is out of character with surrounding development.
- The proposed development does not respect the scale and proportion of neighbouring buildings.
- The development if allowed would represent an invasion of privacy of the surrounding established dwellings contrary to protocol 1 article 1 of the Human Rights Act which embeds the right of the individual to the peaceful enjoyment of all their possessions which includes their home and all other land.
- In particular the erection of the three storey flat blocks is cited as not being in keeping with surrounding development and is contrary to key criteria of Local Development Plan Policy AW6.
- The site could be put to better use if it is redeveloped as a park which would improve recreational and educational opportunities for all.
- Information in respect of protected species is conflicting.

Land Related Issues

- Ownership of the site in its entirety is disputed by the adjacent land owner.
- The adjacent land owner also claims a private right of way across the development site.

CONSULTATION

Highways & Transportation – no objections subject to conditions.

Land Reclamation & Engineering Manager – no objections subject to conditions.

Public Health & Protection – no objections subject to conditions.

Natural Resources Wales – no objections subject to conditions.

Western Power Distribution – no response received during the statutory consultation period.

Wales and West Utilities – raise no objection to the proposed development and advise in respect of the location of their apparatus in the vicinity of the application site and safe working practices to be adopted when working in proximity to it.

Dwr Cymru Welsh Water – have raised no objection to the proposed development but have expressed some concern relating to the capacity of existing systems to cope with a new cycle of development.

Countryside/Parks/Leisure – raise no objection to the loss of trees on site and advise that appropriate conditioning will be required in respect of new planting. They also reveal that there are no records of statutory protected species in the immediate vicinity of the site and it is recommended that a bat advisory note be attached to any consent that might be issued.

Glamorgan Gwent Archaeological Trust – as archaeological advisers to your Members, we have no objection to the positive determination of the application.

Community Council – no response received during the statutory consultation period.

Education & Children's Services – raise no objection to the proposal and on this occasion indicate that given the nature of the proposed development there is no requirement for Section 106 contributions towards education.

Housing Strategy – this 100% social rented scheme has been designed by Rhondda Housing Association in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Llanharan. The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2012 and this proposal therefore satisfies policy.

South Wales Police – have no objection to the proposed development and are happy that the developers have incorporated secured by design principles into their proposals.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 promotes sustainable growth in the southern strategy area.

Policy CS4 defines housing land requirements.

Policy CS5 requires the provision of affordable housing.

Policy AW1 defines the housing land supply to be met partly by the development of unallocated land in key settlements.

Policy AW2 promotes development in sustainable locations.

Policy AW4 lists community infrastructure and planning obligation contributions which might be sought in relation to new developments.

Policy AW5 sets a series of criteria around amenity and accessibility that new development is expected to meet.

Policy AW6 lists design and placemaking criteria that new development should meet where relevant.

Policy AW8 requires that development should not have an unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW10 aims to prevent unacceptable harm to health and amenity from, amongst other things noise and contamination.

Policy AW11 aims to protect existing employment land.

Policy SSA11 seeks a minimum housing density of 35 dwellings per hectare

Policy SSA12 requires the provision of 20% affordable housing in respect of proposals for 5 or more dwellings.

Policy SSA13 sets criteria for housing developments within settlement boundaries.

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),
Chapter 8 (Transport),
Chapter 9 (Housing),
Chapter 10 (Planning for Retail and Town Centres),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
Manual for Streets

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:

In the determination of this particular case, the planning policy position, amenity considerations, environmental and ecological considerations, flooding and drainage issues, highway considerations, the retail impact of the proposal, and the impact on the character and appearance of the area are considered the key determining factors, and these matters are dealt with in turn below as the main issues impacting on the determination of this case.

The planning policy position

The site is sustainably located within a defined key settlement with a primary school, local shops (existing and proposed – see below), recreation facilities and good access to non car related connections to employment areas and facilities in Talbot Green, Bridgend and Cardiff as well as the employment facilities that Llanharan itself holds. As such the proposal can be considered compliant with the requirements of policies CS2, AW2 and SSA13. Additionally the fact that the proposed development will also deliver affordable housing supports the requirements and objectives of policies CS4, CS5, AW1 and SSA12. In addition to all of this the proposal provides development at a density that satisfies the threshold set down in policy SSA11 (providing a density of 42 dwellings per hectare); and the fact that the housing to be provided is 100% affordable more than satisfies the requirements of policy SSA12.

As a result of earlier consents for the residential development of the wider site the application site had already been included in the five year housing land supply however the 2008 consent that this related to expired in 2013 and for the last two years the housing land supply has been in shortfall. A new consent would therefore make a useful contribution to addressing the shortfall in accordance with the requirements of Policy AW1 and wider Welsh Government requirements along with satisfying the Council's wider obligations as a planning authority.

A further policy consideration is that the redevelopment of this site would lead to the loss of established employment land. However the site has a history of consents for residential development being justified on the basis that the site has a very poor appearance with a piecemeal arrangement of largely vacant units and that other better located new employment opportunities would emerge elsewhere in Llanharan. It remains the case that greater regenerational benefits for the wider community lie in the provision of employment land elsewhere and the removal of outdated and underused industrial/commercial units. As such, it is considered that clause 3 of policy AW11 is relevant in this case as the redevelopment of this unsightly underused or vacant land for the use proposed would have significant regeneration benefits, to the point where in this case it overrides the policy requirement of 12 months marketing also required by the policy (which certain units that would be subject to redevelopment would now reach in any event). Additionally, there is also considerable provision of employment land of a better quality in the wider area on established employment sites and in new allocations such as that at Mwyndy.

Technical Advice Note (TAN) 23 Economic Development (2014) Expresses reluctance on the part of policy at a national level to release industrial land for alternative uses as it can prove difficult to replace. However, this concern carries little weight in this case particularly as the TAN also allows redevelopment of industrial land where other priorities such as housing need are identified or where better employment land is available elsewhere, which is the case in this instance.

Amenity considerations

The redevelopment of what is currently an underused and poorly maintained industrial site for residential and retail purposes will inevitably lead to uplift in the amenity standards of the wider area. Within the site, though the proposal would be developed at a relatively high density, it maintains adequate privacy standards within itself. In terms of its relationship with residential property outside of the site greater distances are maintained which reflect the norms in the area. Both the residential and retail elements of the proposed development will be completed in a suitable palette of materials that are broadly reflective of the wider locality in terms of their usage. As such it is reasonable to conclude that the scale form and design of the proposed development would have no unacceptable impact on the character and appearance of the site or the surrounding area, or the amenities of neighbouring occupiers. Furthermore, the relatively high density of development also affords a degree of natural surveillance within the site that reduces any opportunity for crime or anti social behaviour.

The layout and positioning of the shops and their associated car parking area are dictated largely by the operational needs of particular end users and this has resulted in an arrangement that to some extent does not relate well to the frontage along Bridgend Road or where these units turn the corner into the development site itself. The principal concern in this regard is that there is no public access to any of the units from Bridgend Road itself as customer access points are located on the parking and service area frontage, leaving a relatively inactive frontage on this principal (front) elevation facing Bridgend Road. However, this particular shortcoming needs to be balanced against the fact that these properties have elevations facing Bridgend Road that contain a degree of articulation and the creation of an access on that frontage would in all likelihood encourage indiscriminate parking which the Transportation Section would want to resist. There is also a clear distinction between the residential and retail elements of the proposal in their location and in how they make use of the land, this is a product of their intended use. While greater permeability would be desirable in the retail element of the proposed development, the design standards are acceptable and respect local context and the quality of the proposed built form is adequate.

Some concern has been expressed that allowing a third storey in the flatted element of the proposed development would result in the creation of a visually incongruous development alien to the appearance of the area along with overlooking of

established residential property. However, this is not so as there are clearly three storey town houses located to the north of the site. In respect of the further suggestion that the height of these properties will lead to increased overlooking to an unacceptable degree of established property, given the distances involved this relationship is considered acceptable in planning terms.

Environmental considerations that can affect amenity are considered in greater detail below, however, insofar as the issues addressed above are concerned the proposed development is considered acceptable and compliant with the requirements of policies AW5 and AW6.

Environmental considerations

This proposal does not involve the redevelopment of the whole of the industrial estate and a heavy engineering firm (Humphreys) will remain immediately adjacent to the proposed development. This is the kind of awkward relationship that policy at the local and national level cautions against. The issue of day to day noise from the functioning of the proposed shops and that of smell associated with the proposed fast food outlet has also proved a cause for concern. However, in support of the application a noise assessment has been provided and the Council's Public Health & Protection Division has not raised noise as an issue in this case. Additionally, Members should also note that the engineering firm referred to has equal proximity to established residential development at Witts End and Colliers Avenue and has not been a source of concern to these properties. Similarly, The Public Health and Protection Division do not perceive potential operational noise/smell as problematic and have not raised this issue as a reason for refusal

The application is also accompanied by a preliminary site investigation report that deals with the contamination issue. The Public Health and Protection Division have considered the content of the report and have concluded that contamination at the site such as it is, does not function as a bar to development and can be dealt with. However a need for further site investigation is identified and should Members be of a mind to support the current application then suitable conditions are recommended to this effect.

The above represent the concerns in terms of the potential impacts on human health and the environment that arise out of the current application and as such it is clearly demonstrated that the proposal meets the requirements set down in policy AW10 and is considered compliant.

Ecology

There is also a requirement to consider the impact of the development itself on the broader environment. To this end the application is accompanied by an extended phase 1 habitat survey and for further survey works in respect of bats. The survey work has been subject to consultation with the Council's ecologist and Natural

Resources Wales and as long as demolition works in particular are undertaken in accordance with the recommendations of the later survey work then the proposals would prove satisfactory.

In the later stages of consideration of the earlier application for this development, in addition to bats the issue of the potential presence of dormice and greater crested newts on the site was also raised. The view of the Council's ecologist and Natural Resources Wales is that the prevailing environmental conditions on the site remain such that the presence of these species on site is far less likely than the presence of bats and that the matter could be adequately dealt with through the imposition of appropriate planning conditions.

As such the application is considered compliant with Local Development Plan policy AW8, particularly as potential use by bats was the only issue of ecological importance that the survey work raised.

The proposed development would have no impact of the street trees that lie outside of the development site.

Flooding and Drainage Issues

The application is also accompanied by a local flood risk assessment and drainage methodology. With regard to flooding the site lies well outside of any designated flood areas and Members should note that Natural Resources Wales have not raised this issue.

Turning to the issue of drainage, Dwr Cymru/Welsh Water previously raised some concerns regarding the capacity of the existing system to cope with the proposed development. However, the applicants have pointed out that at present both foul and surface water drainage feed into the existing system and that they intend to remove storm water from the drainage system if the site is redeveloped and there will be further improvement in that not as much of the site will remain impervious on redevelopment. Dwr Cymru Welsh Water have now indicated that discussion with the applicants has lead to them agreeing with this approach to drainage in redeveloping the site and that they have no objection to it. As stated above the Council's Land Reclamation and Engineering section hold no objections to the proposed development subject to the imposition of appropriate conditions to secure the adequate drainage of the site.

Consequently the proposed development is considered acceptable in the context of Local Development Plan policies AW2 and AW10 insofar as they relate to these issues.

Highway considerations

On this issue, Members should first note that the proposed development will have a safe and suitable access on to Bridgend Road through modifications to the existing arm that feeds into the site from the adjacent mini roundabout. The roads within the development are all designed to adoptable standards other than where the intention is to have properties serviced from private drives. Each residential property will be provided with off street parking space commensurate with its needs either in the form of a private drive adjacent to the property or in communal parking areas.

The retail units will be provided with their own dedicated parking areas away from the residential elements of the proposed development and the larger A1 retail unit will also have its own service bay. It is in this area that the applicants have made alterations to the earlier scheme with alterations in the arrangement of parking space. though parking space numbers remain at 21 spaces with the relocation of the smaller delivery bay that now also means that it benefits from a dedicated side loading area. In addition to this, as mentioned above the applicants are willing to accept an obligation through a Section 106 agreement for a Traffic Regulation Order to prevent deliveries taking place from Bridgend Road and are willing to accept a condition to limit the size of delivery lorries that would visit the units.

In addition to the above, the site is located within the Llanharan/Bryncae area at a point close to a bus stop on Bridgend Road and within reasonable walking distance of the Llanharan Railway Station, and as such it enjoys good accessibility to more sustainable forms of transport and would certainly not be entirely car dependent as a development. There is no evidence to suggest that the development of this site would exacerbate traffic congestion in the area as some residents have suggested, indeed the replacement of commercial/industrial development with retail/residential development has the potential to improve the situation.

In conclusion on this issue, the residential elements of the proposed development would have sufficient and safe dedicated parking space as would the retail element of the proposal. Additionally the proposed access and internal road arrangements are considered acceptable in highway terms and in the context of Local Development Plan policy AW5.

Retail impact considerations

The proposed retail facilities comprise three retail units totalling 572 sq m. floorspace including the hot food unit of 86 sq m. the shops would be located over 1km from the retail centre of Llanharan and approximately 800m away from the proposed Parc Llanhilid centre. The Local Development Plan does not recognise the established shops opposite the site as a retail centre. The proposal seeks consent for neighbourhood scale retail provision that would fall well below the threshold for formal retail impact assessment. In this case the small scale A1 and A3 uses proposed are not considered a threat to the existing centre at Llanharan or the proposed Parc Llanhilid proposals given the distances involved and the shops opposite could potentially benefit from the additional attraction of shoppers to this

location that the development might bring. Members will note the references made to the lack of any allocation on this site for retailing in the Local Development Plan raised by objectors, however, the lack of a specific allocation does not prevent this type of development should the proposals prove compliant with other policy considerations. Whilst Planning Policy Wales is clear that it is not the role of planning to prevent competition between retailers within centres it is silent on the issue of competition between retailers when both existing and proposed facilities are outside of any centre defined by a Local Development Plan as is the case in this instance. However the established principle that it is not the role of the planning system to protect the private interests of one individual or group ahead of those of another would still prevail.

Impact on the Character and Appearance of the Area

As with the issue of the impact of the proposal on local amenity, the redevelopment of an underused and unsightly site as homes and shops would only be of benefit to the character and appearance of the area. The current haphazard arrangement of building will be replaced with a coherent scheme of residential and retail development to a design that respects and to a large extent reflects development in the wider area in terms of scale proportion and appearance. As such the residential and retail character of the area could only be enhanced by the proposed development.

Other Issues:

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

While the land ownership, site boundaries of the site and associated private rights of way of the adjacent property are clearly of concern to the owner of that property and apparently a matter of some dispute, these remain a private issue between respective land owners.

Some mention has been made about the need for further community centres, libraries and doctors surgeries. It should be noted that the community centre at Bryncae is relatively new, possibly 10 years old. Whilst there might be a perceived need to improve library services in the area this would not be a reason to reject the current proposals. With regard to the provision of doctors surgery facilities Members should keep in mind that whilst such provision might be needed in the area or might be considered preferable to the provision of more shops, the application needs to be determined on its own planning merits. Furthermore, the Local Health Board tend to operate on a predict and provide basis and further provision of housing is therefore more likely to make them provide the required facilities.

Previously the issue as to whether or not there is a need for the new retail facilities has been raised and it has been suggested that this may lead to the loss of the post office. Notwithstanding the lack of evidence to support such a claim, the issue of principle is addressed above. It has also been contended that allowing the proposal would lead to the loss of the businesses that currently occupy the site. However, officers from the Regeneration Section have made contact with these companies to help with relocation as their use of the existing facilities were on short term leases which the applicant advises were terminated on 31st December 2014.

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.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 and Community Infrastructure Levy requirements in this case

There is a need to tie any consent into remaining affordable housing. As such it is recommended that the developer be invited to enter into a Section 106 agreement covering the following heads of terms –

1. A legal agreement to ensure that the development approved remains affordable housing in perpetuity, and;
2. The developer meeting the Council's reasonable costs in preparing the legal agreement.

The Community Infrastructure Levy (CIL) was introduced by Rhondda Cynon Taf from 31st December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/sq m for residential development, the proposal would also attract a CIL liability for the A1 retail development at £100/ sq m. However as the proposed development involves the demolition of the existing buildings at the site, the amount due in this case is £0.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the redevelopment of brownfield land within defined settlement limits and would bring a new cycle of development to what is in essence an underused site. Additionally the proposed development will also deliver new affordable housing of a type that is much in demand in an area of housing need, which planning policy also favours. As such support for the proposal is given.

RECOMMENDATION: Grant

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans as confirmed below:

- i) The proposed site plan drawing no.BBA.576.P.01B.
- ii) The site location plan drawing no. BBA.576.P.12.
- iii) Retail units 2 & 3 plans and elevations drawing no. BBA.576.P.11A.
- iv) House type A Drawing no. BBA.576.P.02.
- v) House type B drawing no. BBA.576.P.03.
- vi) House Type C drawing no. BBA.576.P.04.
- vii) House type Drawing no. BBA.576.P.05A.
- viii) Blocks 1 & 2 Plans drawing no. BBA.576.P.06A.
- ix) Blocks 1 & 2 Elevations drawing no. BBA.576.P.07B.
- x) Block 3 drawing no. BBA.576.P.08A.
- xi) Block 4 drawing no. BBA.576.P.09.
- xii) Retail unit 1 plans & elevations drawing no. BBA.576.P.10A.

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

3. The A3 use hereby permitted shall not commence retailing until details of the type and location of litter bins to be provided have been submitted to

and approved in writing by the Local Planning Authority and installed in accordance with that approval. The litter bins shall be maintained thereafter as approved.

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

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

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

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

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

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

7. No development shall commence except for works of demolition and site clearance until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

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

8. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 7) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

9. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

10. Construction works on the development shall not take place other than during the following times:
 - (i) Monday to Friday 0800 to 1800 hours.
 - (ii) Saturday 0800 to 1300 hours.
 - (iii) Nor at any time on Sundays, Bank or Public holidays,

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development whatsoever shall take place, other than works of demolition and site clearance, until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

12. No dwelling or retail unit hereby approved shall be occupied until the drainage works have been completed in accordance with the plans and other details to be approved under condition 11 above have been built.

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

13. No works shall commence on site, other than works of demolition and site clearance, until full engineering design and details of the improvements to the site access off the A473 Bridgend Road that incorporates the provision of extended footways together with uncontrolled pedestrian crossing facilities including the relevant Road Safety Audits and designer's response have been submitted to and approved in writing by the Local Planning Authority. These proposals shall be in accordance with the current highway design requirements and be implemented prior to beneficial occupation of any dwelling or retail units.

Reason: In the interests of highway and pedestrian safety.

14. Notwithstanding the approved plans, infrastructure work, other than works of demolition and site clearance, shall not commence until full engineering design and details of the internal road layout including sections, street lighting, highway structures, turning facilities, footways, link footpaths, and associated works together with surface-water drainage 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 the adequacy of the proposed development, in the interests of the safety of all highway users.

15. Notwithstanding the submitted plans, the private shared accesses including

turning facilities for Roads B, C and D and serving Retail Units 1 – 3 shall be laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the safety of all highway users.

16. No articulated delivery lorries exceeding 10.7m in length shall serve the retail development at any time.

Reason: In the interests of the safety of all highway users.

17. The parking areas shall be constructed in permanent materials and retained for the purposes of parking only.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety.

18. No works whatsoever shall commence on site, except for works of demolition and site clearance, until design calculations duly certified by a professional engineer and constructional details of any retaining wall abutting the highway have been submitted to and approved in writing by the Local Planning Authority. Any retaining wall abutting the highway shall be constructed to the approved details prior to the development being brought into beneficial use.

Reason: For the safety of highway users.

19. No development shall commence except for works of demolition and site clearance, until details providing for the creation of vehicular crossovers along Duffryn Crescent have been submitted to and approved in writing by the Local Planning Authority. The crossovers shall be constructed in accordance with the approved details before the dwelling is brought into use.

Reason. In the interests of highway and pedestrian safety.

20. No HGV deliveries shall take place during the construction period between the hours of 08:30 am to 09:30 am and 15:00 pm to 16:00 pm on weekdays to and from the site.

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

21. No development shall take place until a Species and Habitat Protection and Mitigation Plan for Construction and Site Operation has been submitted and

approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction works and during site operation;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding reptiles, etc.);
- d) Details of specific species and habitat mitigation measures (including birds, bats and reptiles).
- e) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Specific species and Habitat Mitigation measures;
 - vii) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

Reason: In the interests of protecting and maintaining biodiversity, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

5 FEBRUARY 2015

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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