

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE  
3 OCTOBER 2013**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

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

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

1. Application No: 13/0307 – Two detached dwelling houses and upgrading of lane access (Amended plans received 15<sup>th</sup> July 2013), Land adjoining 4 High Street, Hirwaun, Aberdare.
2. Application No: 13/0310 - 8 no. flats and associated works (Amended plans received 17<sup>th</sup> July 2013), York Drive, Llantwit Fardre, Pontypridd.
3. Application No: 13/0348 - Change of use to part residential and part commercial to allow live in and childmind for 9 children aged 0 - 8 years including 2 additional staff (amended details and description received 23/07/13), 9 Bute Terrace, Hirwaun, Aberdare.
4. Application No: 13/0446 - One detached dwelling. (Amended plans received 22 July 2013), land at Wind Street, Blaenllechau, Ferndale.
5. Application No: 13/0650 - Change of use of existing stable building to 2 units of tourist accommodation, including external alterations as part of farm diversification, Stable Building, Coed Cae Mawr Farm, Heol Ddu, Castellau, Llantrisant.
6. Application No: 13/0689 - Raised timber decking (retrospective), 3 Graig Terrace, Graig, Pontypridd.
7. Application No: 13/0734 - Variation of condition 2 and 4 of

- Planning Permission Ref 09/1242/10 to continue the use of the existing access off the A4061 for a further period to 31 December 2019, (as part of an extension to the surface mine, within Neath Port Talbot CBC) and to allow the retention of the coal haulage road, post cessation of surface mineral workings, for use in association with the agricultural and other management of the land, Selar Surface Mine, Rhigos, Aberdare.
8. Application No: 13/0880 – Construction of an Aerobic Digestion Facility, landscaping and associated infrastructure (revised scheme layout), Amgen Rhondda Ltd, Bryn Pica Landfill and recycling, Merthyr Road, Llwydcoed, Aberdare.

## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 13/0307/10 (MJ)  
**APPLICANT:** Longmeadow Partnership Ltd  
**DEVELOPMENT:** Two detached dwelling houses and upgrading of lane access (Amended plans received 15th July 2013)  
**LOCATION:** LAND ADJOINING 4 HIGH STREET, HIRWAUN, ABERDARE, CF44 9SL  
**DATE REGISTERED:** 29/07/2013  
**ELECTORAL DIVISION:** Hirwaun

### APPLICATION DETAILS

Full planning permission is sought for the erection of a two 4 bedroom detached dwellings on land adjoining 4 High Street, Hirwaun, which is currently a vacant area of land to the rear of 1 to 1b High Street, Hirwaun.

Both dwellings will measure 8.2m in width by 9.3m in depth, and will be a height of 7.3m to the ridge of the hipped roof. There will also be a porch to the front elevation of each dwelling. The materials proposed are reconstituted stone on the elevations with reconstituted slate roof tiles.

Access to the site would be off a shared lane from the High Street between no. 1 High Street and The Vicarage. This is situated opposite a main junction. An alternative access off the High Street is situated to the opposite side of The Vicarage past no. 4 High Street. Each dwelling will have an integral garage and two off-street parking spaces to the front.

The developer has submitted a speed survey with the application which was carried out at the junction of the access lane with High Street and Rhigos Road.

Although some trees have been removed from the site prior to the application being considered, the applicant has confirmed that the mature trees that are currently on the site are to remain.

### SITE APPRAISAL

The site is unallocated and within settlement boundaries of Hirwaun as defined by the Rhondda Cynon Taf Local Development Plan.

The main body of the site measures approximately 30m in width at its widest point by approximately 30m in depth. The site appears to be the cleared sites of 2 and 3 High Street, leased until recently by the Council for garden purposes. The site appears to be the former garden of number 1a and covers the land behind 1a, 1b and 1 High Street. A property No 4 is located to the north of the site. A stream is located to the

west of the site, with residential properties on the opposite side at Brecon Close. The site is overgrown and has some mature trees along the boundary.

## **PLANNING HISTORY**

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

07/1898	Residential Development (Outline application - means of access considered)	Refused 13/12/07
		Appeal: Dismissed 12/06/08
06/1118	Residential Development. (Outline)	Refused 15/08/06

## **CONSULTATION**

Transportation Section – no objections subject to conditions.

Land Reclamation and Engineering - no objections subject to conditions including one for the submission of a hydrological impact assessment.

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

Public Health and Protection Section - no objections subject to conditions.

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

Hirwaun Community Council – no objections subject to adequate arrangements being made for highway safety.

## **PUBLICITY**

The application has been advertised by direct neighbour notification letters and site notices. Four letters of objection have been received which are summarised as follows:

- Concerns that the bank fronting the stream is unstable and there have been incidents in the past where the stream has caused damage to the rear of residential properties.

- Concerns are raised that the proposal will have a detrimental impact on highway safety with particular regard to the junction with the main road.
- A letter has been received which highlights the concerns if the current application is recommended for approval when two previous applications have been refused on highway safety grounds.
- Concerns have been raised regarding the potential loss of on-street parking next to, and behind the existing dwellings as a result of the proposed alterations to the lane leading to the site.
- Objections have been raised regarding the impact of the proposal on the privacy of neighbouring properties.
- Concerns that trees have been removed from the site.

## **POLICY CONTEXT**

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

### Rhondda Cynon Taf Local Development Plan

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

Policy CS1 emphasises the building of strong, sustainable communities in the Northern Strategy area.

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

Policy AW2 – requires new development to be in a sustainable location.

Policy AW5 – specifies criteria for new development. It requires new development to have an acceptable impact on the character and appearance of the site and surrounding area and no significant impact on the amenities of neighbouring occupiers. It also requires development to be of sustainable design with good accessibility.

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

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

- An efficient use of land.

Policy NSA12 gives further criteria for development within settlement boundaries.

### Planning Policy Wales

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

## **PLANNING CONSIDERATIONS**

The site is unallocated and within the settlement boundary of Hirwaun as defined by the Rhondda Cynon Taf Local Development Plan. The surrounding neighbourhood predominantly residential in character with good links to Hirwaun centre where there are several shops and community facilities.

From inspection of the site and surroundings, the key issues are the effects of the proposal upon the character and appearance of the area, the effect on the amenity of neighbouring residential properties and the effect of the proposal upon highway safety.

### Character and Appearance of the Area

In terms of the first of these issues, the proposed dwellings will be of a larger scale than the dwellings immediately surrounding the site, however it is considered that due to the use of appropriate materials (reconstituted stone and slates), the properties will remain well related to the surrounding development on this parcel of land. The properties are proposed off a small lane where there are no clear views from the main road and one other property fronting the lane. There is no strong distinctive character in the styles of the surrounding properties and therefore it is not considered that the proposed dwellings will detract from the character or appearance of the area.

The proposal is therefore considered to be acceptable in the context of the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### Residential Amenity

In terms of the impact of the proposed development on the residential amenity of surrounding properties, it is considered that the impact will be kept to a minimum.

The existing residential properties to the west of the site (in Brecon Close) are set at a sufficient distance away (more than 21m) from the proposed dwellings to ensure

that overlooking will be kept to a minimum. It is acknowledged that the proposed dwellings will be at a higher level than these properties however it is considered that there is also sufficient distance between these properties to ensure that the development will not have an overbearing impact to a degree that would warrant the refusal of the application.

With regard to the impact of the proposal on the residential amenity of the existing properties to the north and south of the site, no habitable room windows are proposed in the side elevation of the proposed dwellings which would face the existing dwellings. No overlooking between habitable room windows will therefore be experienced. Although the proposed dwellings are of a larger scale than the existing properties surrounding the site, it is considered that due to the fact that the height of the dwellings have been kept relatively low and comparable with the existing dwellings, and the fact that they will have a hipped roof, the impact on the neighbouring properties will be kept to a level which is considered acceptable on balance.

The remaining trees on the site are proposed to be kept as part of the scheme. The trees are not protected however a condition for landscaping details is attached to ensure that the details are agreed prior to development commencing.

The proposed development is therefore considered to be in keeping with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### Highway Safety

With regard to objections raised in relation to highway safety and parking issues, as well as the queries raised in relation to the previous applications made on the site, the Transportation Section have considered the proposal and have raised no objections subject to conditions.

There is some concern with regard to the proposed access onto the existing junction of High Street and Rhigos Road, however having regard to the fact that there will be a limited increase in vehicular movements along the existing lane, coupled with the improvements proposed, on balance no highway objection has been raised.

The proposal site is accessed off a sub-standard lane in terms of structural integrity, drainage, turning facilities for emergency service and delivery vehicles, visibility and a lack of footway provision. The developer is proposing to surface and drain the carriageway, provide turning area, as well as pedestrian footway links. It is therefore considered that the proposal has overcome the objections raised in relation to the previous applications and the proposals to upgrade the lane as part of the development will mitigate the impact of the development and is considered acceptable.

Currently there is no turning area along the sub-standard lane for delivery and emergency service vehicles to access/ egress High Street in forward gear. The developer has proposed a turning area which shall remain for use by all vehicles to access / egress in forward gear. Three off-street parking spaces are proposed for each dwelling which is considered acceptable.

The developer has submitted a speed survey at the junction of the access lane with High Street / Rhigos Road which indicates that 85<sup>th</sup> percentile speeds are in the region of 28.6mph. The visibility at the junction is slightly below the recommendation (2.4m x 35m) at 2.4m x 30m, however, on balance, given the limited increase in vehicular movements generated by two additional dwellings, and that there has been 1 accident in the last 5 years in 2009 due to driver error the visibility is considered acceptable in this case.

In conclusion, there is some concern with regards the sub-standard visibility at the junction with High Street. However given that the developer has provided a number of mitigation measures and the fact that all vehicles exiting the lane will be in forward gear it is on-balance that no highway objection has been raised.

With regard to concerns raised relating to vehicular access to the existing properties of High Street, the amended plan submitted by the applicant shows a crossover to maintain any existing access that third parties have from the lane to their properties.

The Transportation Section has therefore raised no objection to the proposal subject to conditions which are recommended below and the proposal is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### Other Matters

With reference to drainage issues and objections raised regarding the stability of the bank above the stream, the Council's Land Reclamation and Engineering Section has been consulted and have raised no objections to the proposal subject to conditions requiring the submission and approval of full drainage details including a Hydrological Impact Assessment prior to development commencing. The relevant condition is recommended below and it is considered that the site can be developed without exacerbating any existing drainage issues. The site is not located within any flood zones according to the data held by Natural Resources Wales and the applicant is not proposing any work to the stream or its banks.

Having regard to the above issues the application is considered to be in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan and national guidance and is therefore recommended for approval subject to the following conditions.

**RECOMMENDATION: Grant**



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

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

2. The development, hereby approved, shall be carried out in accordance with the amended/revised plans received by the Local Planning Authority on 15<sup>th</sup> July 2013.

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

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

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

6. No development shall take place until 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 in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

- 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.
- 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.
- 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

9. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 8) 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.

10. 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.

11. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

12. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

13. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales

14. Development shall not begin until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme should include a Hydrological Impact Assessment. The development shall be carried out as agreed prior to the dwellings being brought into beneficial use.

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

15. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the access road layout and turning area to include sections; street lighting details and surface-water drainage details 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 prior to beneficial occupation of any dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

16. Notwithstanding the details shown on the submitted plans, development shall not commence until revised details of the driveways widened to 4.8m to provide 3 off-street car parking spaces per plot (Including Garage) have been submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety and to prevent overcapacity of

the existing highway drainage system and potential flooding.

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

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

19. HGV's used as part of the development shall be restricted to 09:30am to 16:00pm weekdays, with no deliveries on Weekends and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

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<b>APPLICATION NO:</b>	<b>13/0310/10</b>	<b>(MJ)</b>
<b>APPLICANT:</b>	<b>Rhondda Housing Association</b>	
<b>DEVELOPMENT:</b>	8 no. flats and associated works (Amended plans received 17th July 2013)	
<b>LOCATION:</b>	<b>YORK DRIVE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2NR</b>	
<b>DATE REGISTERED:</b>	<b>03/04/2013</b>	
<b>ELECTORAL DIVISION:</b>	<b>Llantwit Fardre</b>	

#### **APPLICATION DETAILS**

Full planning permission is sought for the erection of 8 flats on land at York Drive, Crown Hill, Llantwit Fardre.

The building will be L-shaped and will measure 21.7m across its frontage with York Drive and 23m across its frontage with Queens Drive (including a single storey bike store). The building will be two storey at a height of 8.6m to the ridge.

The building will have the appearance of a link of three houses along the elevation fronting York Drive and the appearance of a single dwelling fronting Queens Drive. The proposal is for four 1 bedroom flats on the ground floor and three 1 bedroom and one 2 bedroom flats on the first floor. The entrance doors to the first floor flats will be on the rear elevation of the building which faces the car parking area. Materials proposed are brick to the ground floor and render above with grey concrete roof tiles.

Vehicular access to the properties will be to the rear of the properties from Queens Drive to a parking area with 8 spaces. The bike store will accommodate 4 spaces. There will also be an amenity area to the rear of the building as well as an area for drying to the side of the building.

The application has been accompanied by highway brief which has been produced as a result of an Automatic Traffic Count (ATC) which was carried out on the site.

## **SITE APPRAISAL**

The site is currently occupied by a vacant single storey shop unit and tarmaced informal parking area and is set within the settlement boundaries of Llantwit Fardre and is unallocated. The site is at the end of the street next to a link of commercial units to the south west. The site is surrounded by residential properties in all other directions.

The plot is irregular in shape and measures approximately 28m at its widest point and 22m across the site frontage. The levels within this area raise from the south to the north and the proposal site is therefore at a higher level than some of the properties along Queens Drive to the rear of the site.

## **PLANNING HISTORY**

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

11/1400	Land adjacent to 'Spar', York Drive, Crown Hill, Llantwit Fardre, Pontypridd	Demolish existing vacant building, proposed housing development (four houses) (amended description received. Addendum to Design and Access Statement also received with amended maximum and minimum height parameters 21/08/12)	Refused 05/11/12
06/1727	Costcutter Retail Store, Crown Hill Estate, York Drive, Llantwit Fardre, Pontypridd	2 No. bedroom flats above shop.	Refused 25/10/06

## **CONSULTATIONS**

Transportation Section – no objections subject to conditions.

Public Health and Protection – no objections subject to conditions.

Countryside, Landscape and Ecology – no objections subject to advisory note regarding development and the potential impact on bats. In addition, no SewBrec records of statutory protected species have been found in the immediate vicinity.

Land Reclamation and Engineering – no objections subject to conditions.

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

Llantwit Fardre Community Council – state that the community council support the objections raised by residents to the development and also raise concerns regarding highway safety.

## **PUBLICITY**

The application has been advertised by direct neighbour notification and site notices. 42 letters of objection have been received as well as a petition with 65 signatures, which are summarised as follows:

- Concerns have been raised regarding the impact of the proposal on traffic and highway safety in the area.
- Objectors disagree with the findings of the speed survey and are of the view that vehicles are likely to travel at a higher speed than stated.
- Concerns that the proposed vehicular access to the development would be a danger to local residents.
- Concerns have been raised that the proposed building would restrict the view at the junction of York Drive which is already a problem as it would be closer to the road than the existing vacant shop unit.
- Concerns that the proposal will result in lorries loading for the existing Spar shop to park on York Drive and not off-street as is currently available.
- Concerns that the highway safety problems associated with the development will result in difficulties for the local bus services accessing the area as well as the proximity of the site to Maes y Bryn School.
- Concerns that the proposed development will result in parking problems within the area where most people park on the street already.
- The number of spaces proposed is less than would be expected for a development of 8 units. There is also concern regarding the accessibility for emergency vehicles and the lack of visitor parking.

- Objections are raised to the proposal due to the fact that it is for flats and the existing housing estate comprises three bedroom houses and bungalows. There is a concern that the proposal for flats by a housing association for social housing will have 'significantly different needs than those currently provided for families living in this area.' The objectors consider that flats are out of character with the rest of the housing estate.
- Concerns have been raised as the proposal will result in an invasion of privacy and disturbance. There is also a concern that the future tenants of the proposed development would have a detrimental impact on these factors.
- Concerns that the proposed development will be overbearing, out of scale and out of character in terms of its appearance with the existing dwellings in the area.
- Concerns have been raised that the proposed development would block light into existing neighbouring properties.
- Objections have been raised to the erection of 8 residential units as it is considered that this represents overdevelopment of the site.
- Concerns regarding the loss of a shop unit in the area which could have a detrimental impact on the community.
- Several objections have been raised in relation to who exactly will be living in the proposed development as it is considered that there is a risk to community safety (children in particular) with certain groups of people.
- Concerns that the development will result in anti-social behaviour and increased crime in the area.
- All properties in the estate have covenants to restrict them from being converted into flats and there is also a covenant on the shopping area – the current application is ignoring these covenants.
- The proposed development may have a detrimental impact on property values.

## **POLICY CONTEXT**

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

Rhondda Cynon Taf Local Development Plan



Policy CS2 guides development in the south of the County Borough, with an emphasis on focusing development in the settlement boundary and promoting the reuse of under used and previously developed land.

Policy AW1 states how the supply of new housing will be met, including the development of unallocated land in the defined settlement boundary of smaller settlements.

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

Policy AW5 – New Development - states that development proposals will be supported where in terms of amenity:

- The scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area;
- There would be no significant impact upon the amenities of neighbouring occupiers;

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

- A high standard of design;
- Design appropriate to the local context;

Policy SSA13 gives criteria for development within settlement boundaries.

## **National Guidance**

### Planning Policy Wales

4.10.2 Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

### Technical Advice Note (TAN) 12: Design

Sets out the objectives of good design and aims to encourage good design in all aspects of development, stating that:

2.2 The Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales - from householder extensions to new mixed use communities.

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

## **PLANNING CONSIDERATIONS**

The main issues in the consideration of this application are:

1. Planning policy context of the proposed development.
2. The impact of the proposal on the character and appearance of the surrounding area.
3. The impact on neighbouring residential amenity and the adjoining clinics.
4. The impact on highway safety and parking.

### **Planning policy context**

The site is unallocated brownfield land within the settlement boundary of Llantwit Fardre as defined by the Rhondda Cynon Taf Local Development Plan. With regard to objections raised and the fact that the existing vacant shop is proposed to be demolished, although the loss of the vacant retail unit is regrettable, the site is unallocated and there is a shop and other commercial properties located in the link of properties adjoining the site. It is not considered that the loss of the retail unit would warrant an objection to the principle of the redevelopment of the site for residential purposes.

### **Character and Appearance of the Area**

In terms of the effect of the proposal on the character and appearance of the area and objections raised, it is considered that the scale of the plot is appropriate to accommodate a building of the scale proposed. It is acknowledged that the surrounding properties predominantly consist of semi-detached two storey dwellings, however due to the design of the proposed building, it is considered that the character of the estate is maintained as the flats appear as four dwellings from the front elevation.

It is considered that the proposed development is of a scale and design (including materials) that will ensure that the building will be in keeping with the character and appearance of the area.

Although the density of the development proposed is higher than the surrounding area, it is not considered that it would lead to a development which has a detrimental impact on the character of the area or the overdevelopment of the site. It is considered that the proposed design of the flats demonstrates that the development will not have a detrimental impact on the character or appearance of the street scene. The proposal is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

### **Residential Amenity**

With regards to the impact on neighbouring residential amenity, concerns have been raised that include loss of privacy, overshadowing and loss of light. The proposed building would be located at least 17m from the surrounding dwellings, with elevations with habitable rooms located at least 21m from the existing dwellings. Given this distance, it is considered that the siting, scale, height and design of the proposed development would not have an unacceptable impact in terms of loss of privacy, overshadowing or loss of light to the dwellings located opposite the site. It is considered that the proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan in this respect.

With regard to the construction phase of the development and any disturbance this may cause, the Public Health and Protection Section have recommended that construction work be carried out between certain hours only, which will minimise the effects on the amenity of neighbouring residential properties. The appropriate condition is attached below.

In terms of the potential effects of the demolition and construction works on dust and air pollution that could have an effect on neighbouring properties, this issue is dealt with under Public Health legislation. An advisory note regarding dust will be attached to any consent granted.

Concerns have also been raised regarding the needs of the future occupiers of the flats and the potential for anti-social behaviour. There is no evidence to suggest that the proposed development would result in a potential for crime and anti-social behaviour in the area and the 'type' of future residents is not a material planning consideration.

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

## Highway Safety

With reference to parking and access issues and comments raised by objectors, the Council's Transportation Section has considered the information submitted with the application and have raised no objections subject to conditions which are recommended below.

A new access is to be created off Queens Drive to serve the proposed flats. The existing right of access for vehicles is to remain to serve the garages to the rear of York Drive.

A seven day speed survey has been undertaken at the site access on Queens Drive to the proposed parking area. The findings indicate that the 85th percentile wet weather speed northbound towards York Drive is 18.3mph and 17.6mph southbound. A full comprehensive report was submitted for consideration which showed that no speeds have been recorded in excess of the speed limit of 30mph which is considered acceptable.

It is noted that a vision splay of 2.4m by 35m to the right of the access can be achieved by avoiding frontage development which is reasonably in line for a speed of 28mph in accordance with Manual for Streets and therefore, on balance, the amended layout is considered acceptable.

At the junction of York Drive with Queens Drive, the submitted drawing Figure 1.1 shows a vision splay of 2.4m by 28m to the right based on the speed survey carried out at a distance of approximately 55m on the approach to the junction which is considered acceptable.

Eight off-street parking spaces are proposed for the development (1 space per flat) which represents a shortfall of 10 spaces from the maximum requirement in accordance with the supplementary planning guidance. It is also noted that the submitted layout plan shows a cycle store for 4 No. bicycles to be provided as part of the development. It is considered that there is adequate carriageway width (at least 7.3m) for visitors to occasionally park on-street in the vicinity of the site together with use of the parking lay-by fronting the nearby shops adjacent to the site.

Having regard to the fact that the proposal is for affordable housing and that secure cycle storage is to be provided for 4 bicycles, and scope for the surrounding street to cater for occasional on-street parking, and local community facilities and bus services are within walking distance of the site, on balance, the shortfall in the parking requirement is considered to be acceptable.

The proposal is therefore considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of the impact on highway safety.

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

### **Other matters**

The Council's Ecologist has carried out a site visit and is satisfied that the potential for a bat roost in the building is very low. The advisory note in relation to bats and development is recommended below to safeguard any bats found during the development of the site.

Objectors have raised concerns that the proposed development would result in a reduction in property values in the area. There is no evidence to support the suggestion that there would be a reduction in property values in the area as a result of the proposed development, in any event this issue is not a material planning consideration.

Any restrictive covenant on the site is not a material planning consideration and therefore not a matter for the planning application to address.

Having regard to the above issues it is considered that the proposal complies with the relevant policies of the Rhondda Cynon Taf Local Development Plan and national policies and is accordingly recommended for approval subject to the following conditions.

### **RECOMMENDATION**

**Having regard to the above it is recommended that planning permission be approved, subject to a S106 agreement which secures the following:**

- 1. The applicant entering into an agreement to ensure that the development is utilised for affordable housing only.**

#### **RECOMMENDATION: Grant**

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

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

2. Construction works on the development shall not take place other than during the following times:
  - Monday to Friday 0800 to 1800 hours;
  - Saturday 0800 to 1300 hours;
  - Not at any time on Sundays, Bank or Public holidays, unless

otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. 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 building is 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.

4. Development shall not begin until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as agreed prior to the dwellings being brought into beneficial use.

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

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

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

6. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

7. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

8. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

9. The proposed means of access, parking and vision splays shall be laid out in accordance with the submitted layout plan Drawing No. Figure 2.5 and completed to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: In the interests of highway safety.

10. Notwithstanding the submitted details, full engineering design and details of the proposed means of access including the re-alignment of the kerb line and widening of the adjoining footways shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be carried out to the satisfaction of the LPA prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development, in the interests of road safety.

11. The parking area shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing with the Local Planning Authority.

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

12. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

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**APPLICATION NO:** 13/0348/10 (BJW)  
**APPLICANT:** Little Ladybugs Day Care  
**DEVELOPMENT:** Change of use to part residential and part commercial to allow live in and childmind for 9 children aged 0 - 8 years including 2 additional staff (amended details and description received 23/07/13).  
**LOCATION:** 9 BUTE TERRACE, HIRWAUN, ABERDARE, CF44 9SG  
**DATE REGISTERED:** 14/05/2013  
**ELECTORAL DIVISION:** Hirwaun

**APPLICATION DETAILS**

Full planning permission is sought for the change of use of 9 Bute Terrace, Hirwaun from a residential dwelling to a mixed use to part residential and part commercial. Specifically, the commercial use would be to allow the ground floor, lower ground floor and garden areas to be used for childminding purposes.

The application seeks consent to use these areas of the house for childminding of 9 children, aged between 0-8 years, with 2 members of staff. The hours of operation would be 7.30am to 6pm Monday to Friday. Outside of these times the property would be used solely as a residential dwelling.



The applicant has submitted a rough guideline of the daily routine for childminding activities at the property as follows:

08.00 – 10.00	Free play, TV
10.00 – 10.30	Breakfast
10.30 - 11.30	Structured play, out and about, play groups, shopping, park, library, garden etc.
11.30 - 12.00	Dinner
12.00 – 14.00	Sleep time, quiet time
14.00 – 15.00	Structured activities, nature walks, garden, park
15.00 – 15.30	Snacks
15.30 – 15.45	School pick-ups
15.45 - 16.45	Free play, TV, park
16.45 - 17.30	Free indoor play, garden

The change of use would utilise the existing property and there are no internal or external alterations proposed as part of the application. The property is currently used for the purposes applied for, albeit on a less intensive basis, with up to 6 children currently being cared for at the site by the applicant.

## **SITE APPRAISAL**

The property is a detached dwelling located on Bute Terrace, Hirwaun. The property is two storey from road level while the rear of the property features a sub-basement level. There is also a garden to the rear of the property.

Other properties in the immediate vicinity are at the same level at the application site and are similarly arranged at road level and with three storey rear elevations. However, the immediate neighbour, Brookside, located to the east of the site is a detached bungalow.

## **PLANNING HISTORY**

98/4147	Bute Cottage, 9, Bute Terrace, Hirwaun, Aberdare.	Domestic garage	Granted 06/07/98
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## **PUBLICITY**

The application has been advertised by letters to adjoining properties and site notices. Three responses have been received, two letters of support and one letter of objection, the main points of which are summarised below:

Letters of support

- Happy with and support the proposal.
- There has been no noise or disturbance from the existing use.
- Provides employment in the area.
- Providing a service that is needed
- Parking is not a problem as there is ample room for parents to pick up and drop off.

#### Letter of objection

- I moved here to retire and would never have considered purchasing the property if it had been next door to a nursery /creche school and the disruption and associated noise.
- There are few children in this area and generally it is very quiet throughout the day.
- The proposal will cause additional noise and disturbance.

#### **CONSULTATION**

Transportation Section – no objection.

Public Health and Protection Division - no objection subject to a condition to restrict the hours of operation during construction/conversion.

Education and Children's Services – supports the application. It is commented that the Local Authority undertakes a full Childcare Sufficiency Audit every 3 years and has identified Hirwaun as needing additional childcare.

Hirwaun is within the Welsh Government flagship Flying Start Programme expansion area for Rhondda Cynon Taf for 2013/14. In view of this, the Local Authority need to procure childcare for eligible children within the area and this is currently proving difficult due to the limited provision available within Hirwaun.

South Wales Fire and Rescue Service - no adverse comments received within the consultation period.

Hirwaun and Penderyn Community Council – supports the application.

#### **POLICY CONTEXT**

##### Rhondda Cynon Taf Local Development Plan.

The application site is identified as within the settlement boundary of Hirwaun and is unallocated.

Policy CS1 – states in the Northern Strategy Area the emphasis will be on building strong, sustainable communities. This aim will be achieved by:

- The promotion of residential and commercial development that support and reinforce the roles of key settlements;
- Provide high quality, affordable accommodation that promotes diversity in the residential market;
- Ensure the removal of dereliction by promoting the reuse of under used and derelict land and buildings.

Policy AW2 – requires new development to be in a sustainable location.

Policy AW5 – specifies criteria for new development. It requires new development to have an acceptable impact on the character and appearance of the site and surrounding area and no significant impact on the amenities of neighbouring occupiers. It also requires development to be of sustainable design with good accessibility.

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

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

#### Planning Policy Wales.

Paragraph 7.2.4 states that mixed-use development should be promoted in and adjoin existing settlements, where appropriate. Policies and supplementary planning guidance should support mixed-use developments, including flexible workplace/dwellings and commercial premises, where these are appropriate.

Paragraph 7.6.1 states that local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

Paragraph 7.6.3 states that employment and residential uses can be compatible and local planning authorities should have regard to the proximity and compatibility of

proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised.

Paragraph 9.3.3 states that insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are the suitability of the property for the proposed use having regard to the Local Development Plan, the impact on the neighbouring properties, the effects on the visual amenity of the area and on highway safety.

With regard to the suitability property for the proposed use it is considered that the building is of suitable dimensions for the type of use proposed and that the use would be compatible with residential uses within the area. It should be acknowledged that the property is being used for childminding purposes albeit on a less intensive basis at the moment. Indeed the property can and is being used at the moment for the child minding of 6 children and this level of activity does not require planning consent. The current application represents a modest increase from the permitted level of activity and it is considered that the property is of suitable and acceptable capacity to accommodate such a change. Additionally, the application is also supported by the Council's Education and Children's Services Department due to the identified need and limited provision of childcare facilities in the area. In terms of the suitability of the site with regard to the Local Development Plan the property is within the settlement boundary and in a sustainable location. The Local Development Plan and Planning Policy Wales supports mixed-use commercial uses in residential areas where there is no detrimental impact on residential amenity. Therefore, the principle of the use of the property for child minding purposes is considered to be acceptable in this regard.

In respect of the impact on neighbouring properties the application is for a fairly modest increase in the number of children being cared for at the property from 6 to 9. It should be acknowledged that the property can and is being used for child minding purposes for up to 6 children without the need for planning permission. It is considered that the provision of an additional 3 children would not have a significantly greater detrimental impact on neighbouring properties than the current level of provision. The comments of neighbouring properties are noted with the majority, including the Community Council, supporting the application. While the comments of the objector are acknowledged it is not considered that the modest increase in childcare provision that is sought would have a significant additional detrimental impact in terms of noise or disturbance than the existing level of activity. Consequently, having regard to the comments received, it is considered that the proposal is acceptable in this respect.

With regard to the effect on the visual amenity of the area the application does not propose any external alterations to the property and consequently the character and appearance of the property will not change. Therefore, it is considered that, as there is no change to the character and appearance of the property that the proposal is acceptable in this respect.

In terms of the effect on the highway safety of the area the Transportation Section consider that the applicant / owner of the proposed conversion / nursery already cares for 6 children 3 of which are collected by the applicant. The proposal will increase the childcare numbers to a maximum of 9 children. It is not anticipated that the 9 children will be dropped off at the same time as occurs with a school which has set times. Parents will be working different hours and therefore the pick up and drop off times will be staggered and therefore not have a detrimental impact on highway safety.

Additionally, there is space on-street to accommodate the slight increase (1 staff parking space) in on-street car parking and the short term drop off and pick up times and therefore no highway objection is raised or condition suggested.

It is considered that these comments demonstrate that the use would not have a detrimental effect on highway safety and is therefore acceptable.

In conclusion, it is considered that the property is of suitable dimensions to cater for the modest increase in its use, which would not be unduly detrimental to the amenities of neighbouring properties. As there are no external alterations there would be no change in the character or appearance of the area and therefore no detriment to visual amenity. Finally, the operation of the use and the existing highway network could accommodate vehicular and pedestrian traffic and parking without detriment to highway safety.

Having regard to the above report the application is recommended for approval.

**RECOMMENDATION: Grant**

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

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

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;

- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. The hours of operation of the proposed childcare use shall be restricted to the following:

Monday – Friday 07.30 – 18.00  
Saturdays, Sundays and Bank Holidays Not at all

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

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**APPLICATION NO:** 13/0446/10 (LE)  
**APPLICANT:** Mr M. Richards  
**DEVELOPMENT:** One detached dwelling. (Amended plans received 22 July 2013)  
**LOCATION:** LAND AT WIND STREET, BLAENLLECHAU, FERNDALE  
**DATE REGISTERED:** 03/05/2013  
**ELECTORAL DIVISION:** Ferndale

#### **APPLICATION DETAILS**

Full planning permission is sought for the erection of a detached dwelling at land to the south of no. 1 Wind Street, Blaenllechau, Ferndale.

The proposed dwelling would have a split level design, appearing two-storey facing front (adjacent to the vehicular highway) and three-storey to the rear. Following the submission of amended plans the pitched roof dwelling would measure 8.7 metres in width by 6.0 metres in depth with a maximum height, facing front, of approximately 7.7 metres from ground level. It is proposed the dwelling be finished with a cement render and slate tiled roof.

The dwelling would have three bedrooms and a bathroom located at first floor level. A kitchen/dining area, living room and small utility room would be created at ground floor level. The basement level of the dwelling would accommodate a sitting area and utility room. The submitted details indicate a vehicle parking area with

associated retaining structures would be created to the side of the dwelling to accommodate three off-street car parking spaces accessed via Wind Street. It is detailed 1.5 metres high timber fencing would define the north and west boundary of the site with existing planting being retained along the southern boundary of the site. The dwelling would be slightly set back from the highway fronting the site.

## **SITE APPRAISAL**

The application site forms a vacant, although steeply sloping plot positioned toward the south of the end of terrace property known as 1 Wind Street, Blaenllechau. The site has been recently cleared of planting and bushes, and significantly falls from the level of the narrow vehicular highway fronting the site down toward the rear of the site. The site comprises an area of approximately 0.03 hectares. The rear of the site is flanked by pedestrian steps that continue along the northern boundary of the site. The pedestrian steps separate the application site from the side garden area associated with no. 1 Wind Street. No. 1 Wind Street is a double fronted, split level property set within a row of similar terraced properties. The properties have a three-storey design to their rear elevation which is reflective of the general housing design of properties within Blaenllechau given the sloping topography of the village. There are open, green areas positioned directly opposite, to the rear and to the southern side of the application site.

## **PLANNING HISTORY**

None.

## **PUBLICITY**

The application has been advertised via direct neighbour notification and site notice. One letter of objection has been received against the proposal, from the occupiers of no. 1 Wind Street. The concerns raised are summarised as follows:

- Access and turning within the narrow street is difficult and the proposal would have an adverse effect. The street is also in bad repair and would not stand up to heavy vehicles.
- The proposal would result in the loss of a bench that has wide valley views.
- Who would pay for any necessary works/repairs to the retaining walls holding up the street, and any repairs to the nearby steps and culvert.

## **CONSULTATIONS**

Transportation Section - raise no objection to the scheme, subject to conditions.

Land Reclamation and Engineering - raise no objection to the scheme, although advise there is an ordinary water course within 20 metres of the site that will need to

be given due regard. As such, conditions are suggested in relation to the drainage of the development.

Welsh Water - no objection subject to conditions on drainage.

Public Health and Protection Section - no objections, subject to conditions in relation to, hours of operation during the construction phase of the development.

Countryside Landscape, Ecology - no records of statutory protected species from immediate vicinity according to SewBrec data.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The application site is situated within the Northern Strategy Area, unallocated and within the defined settlement boundary.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

Policy AW5 - specifies criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

Policy AW8 sets out criteria for the protection and enhancement of the natural environment.

Policy NSA10 – sets housing density requirements for the Northern Strategy Area

Policy NSA12 – supports housing development within and adjacent to settlement boundaries.

### Planning Policy Wales

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should



not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity.

## **PLANNING CONSIDERATIONS**

The application site is unallocated and situated within the defined settlement boundary as prescribed within the Local Development Plan. There is an existing row of terraced properties situated to the north of the site, with there being no 'in-principle' objection to residential development on the site. The main considerations in the determination of this application are therefore assessed to be: the impact of the proposal on the character and appearance of the surrounding locality; the impact of the development on the amenity and privacy of neighbouring properties; and the highway implications of such a proposal.

### Character and Appearance

It is acknowledged the application site occupies a steeply sloping site that would require the provision of significant engineering works and associated retaining structures to allow the creation of the proposed dwelling and car parking spaces, although on balance, it is considered the proposal can be appropriately accommodated on the site without significantly harming the existing visual amenity of the area. Following the submission of amended plans the proposed dimensions, overall scale and general design of the dwelling has been significantly amended over the duration of the planning application and are all considered acceptable. The proposed dwelling, although detached, would have a similar layout and building pattern to the nearby terraced row. Although the mass and bulk of the rear elevation of the dwelling and associated retaining walls are significant, the three-storey design responds to the topography of the site and is reflective of the rear elevations of nearby properties and other properties within the village of Blaenllechau; large and significantly high rear elevations being a feature of the hillside village. It is also indicated sympathetic finishing materials and an appropriate fenestration arrangement would be utilised for the development. Inevitably any new development would result in the loss of the open space the application site occupies (including a metal bench), although the site currently offers limited opportunity for use given its steeply sloping nature. Given the site also falls within private ownership, the loss of the space and associated bench as raised by a nearby resident is not considered a sufficient reason to warrant refusal of the scheme. In summary, it is considered the

dwelling is of an acceptable design and scale, and capable of being accommodated upon the site without having a detrimental impact on the character or appearance of the area.

### Residential Amenity

With regard to the impact of the proposal on the residential amenity of surrounding properties, it is considered that the development would have an acceptable impact. The letter of objection raised by the nearby resident, as detailed earlier, primarily raises concern with the highways implications of the development and the future cost of maintenance/repair works rather than raising concern with any direct loss of privacy or amenity as a result of the scheme. It is indicated the detached dwelling would be sited a minimum distance of 20 metres from the side elevation of the existing end of terrace property, no.1 Wind Street, which is the residential property sited in closest proximity to the application site. This neighbouring property only has one small window positioned within its side elevation and no windows are proposed within the side elevation of the new dwelling. As such, the proposed dwelling would have no direct overlooking or harmful overbearing impact on the neighbouring property, particularly the principal front and rear elevations of this neighbouring building. The side garden area of the neighbouring property would experience a level of overshadowing as a result of the new building although given the dwelling would be sited toward the centre of the plot away from the northern boundary of the site, with a set of pedestrian steps also offsetting the site from the neighbouring side garden, the degree of overshadowing would not be so significant to warrant a recommendation to refuse the planning application.

Overall, the proposal is considered to be in keeping with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of the impact on privacy and amenity.

### Highway Safety

With reference to highway safety issues, and noting the representation received from the local resident, the Transportation Section has raised no objections against the proposal. It is commented that following the submission of amended plans, three off-street car parking spaces would be created for the dwelling which accords with the requirements of planning policy and guidance. The dwelling would be accessed off the narrow Wind Street that is sub-standard in terms of carriageway width for safe 2 way vehicular movement and has limited turning facilities. Nevertheless, recent accident data records no reported accidents within the vicinity of the site and the applicant has highlighted the width of the carriageway fronting the application site would be widened to 5.0 metres, which would allow a vehicle to pass should visitors or delivery vehicles park on the highway, which is considered satisfactory. General concerns raised in relation to the disruption and likely damage to nearby infrastructure as a result of the development, including construction traffic are also acknowledged, although not considered a material reason to warrant the refusal of

the planning application. Inevitably, like most development projects a degree of disturbance to residents and users of the street is likely during the construction phase of the development, although this is normally only of a temporary nature. Controlling the hours of operation during the construction phase of the development and limiting the delivery times of HGV's would help safeguard levels of residential amenity enjoyed within the area.

It is further noted no other statutory consultee has raised any objection against the planning application.

In conclusion, the proposal is considered an acceptable form of development that accords with the principle requirements of the Local Development Plan. It is considered the application site could appropriately accommodate the proposed dwelling whilst having no detrimental impact on the character of the locality or posing a significant harm to levels of residential amenity and highway safety currently enjoyed. As such, the planning application is recommended for approval.

**RECOMMENDATION: Grant**

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

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

2. Building operations shall not be commenced until samples/brochure details of the type and colour of render, windows, doors and roof tiles proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the 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.

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

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

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the 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 by the Local Planning Authority a scheme for boundary walls and fencing for the development. The approved scheme shall be implemented prior to the first occupation of the dwelling hereby approved.

Reason: To ensure that the new development will be visually attractive in the interests of amenity and to ensure levels of privacy are retained with adjacent residential properties in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The Drainage arrangements shall include a Hydrological Impact Assessment including mitigation, design details and a development program with respect to:

- Protection of open and culverted sections of the existing watercourse during and after construction.
- Protection of properties downstream of the development from increased flood risk during and after construction owing to the development.
- Protection of properties within the development from flood risk.

Reason: To ensure adequate drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with Policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development in accordance with Policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of development, full details and design calculations of the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall be carried out in accordance with the approved details.

To ensure the stability of the development in the interests of public health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. HGV's used as part of the development (during the construction phase) shall be restricted to 09:30 am to 15:30pm weekdays, with no deliveries on weekends and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

10. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road widening to 5.0 m along Wind Street together with sections and surface-water drainage details 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 prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

14. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

15. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;

- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 13/0650/10 (DB)  
**APPLICANT:** Mr M Gilheaney  
**DEVELOPMENT:** Change of use of existing stable building to 2 units of tourist accommodation, including external alterations as part of farm diversification.  
**LOCATION:** STABLE BUILDING, COED CAE MAWR FARM, HEOL DDU, CASTELLAU, LLANTRISANT, CF72 8LQ  
**DATE REGISTERED:** 21/06/2013  
**ELECTORAL DIVISION:** Town (Llantrisant)

#### **APPLICATION DETAILS**

Planning permission is sought for the conversion of an existing stable building into two units of tourist accommodation on land at Coed Cae Mawr Farm.

Internally, the existing stable building would be divided by a partition wall with internal stairs inserted to provide each unit with two bedrooms and a kitchen/lounge/dining room. Externally there would be some alterations to the external appearance including the insertion of softwood stained double glazed windows and doors, the alteration in size of existing openings, the removal of the external staircase, the rendering and painting of the existing walls and addition of dressed stone to one elevation. The units would be provided with a small garden area enclosed by a stock proof fence.

The access to the units would be along an existing access track at the farm.

The application is supported by a Design and Access Statement, Holiday Rental Business Plan and a Tourist Amenity Leaflet.

#### **SITE APPRAISAL**

The application relates to an existing stable building fitted out for eight horses (Ref 05/0284) which measures approximately 14m x 8m x 6.5m high. It is constructed of concrete walls with grey concrete roof tiles with six velux type roof lights. It has an external wooden stairway access to the upper floor which is used for storage purposes.

The stable building is located within the corner of an existing field approximately 170m south east of the existing farmhouse situated on the south of Heol Ddu. Access is provided along an access track which measures approximately 250m long and was constructed to provide access to the stable building, Ref 05/0284. This access combines with the access to Coedcae Mawr Farmhouse at the entrance onto Heol Ddu.

### **MOST RECENT PLANNING HISTORY**

13/0145	Coed Cae Mawr Farm, Heol Ddu, Castellau, Llantrisant	Livery stable, exercise area, car park and change of use from agriculture to horsiculture (amended details received 15/03/13 and 21/05/13).	Conditions 27/06/13
12/0812	Coed Cae Mawr Farm, Castellau, Llantrisant	Proposed farm track to gain access from barn to surrounding fields, across land that is poorly drained and wet.	Permission Required 01/10/12
12/0080	Coed Cae Mawr Farm, Castellau, Llantrisant	Livery stables and ménage and change of use of the land to horsiculture (amended description 10/12/12).	Conditions 12/02/13
10/0150	Coed Cae Mawr Farm, Heol Ddu, Castellau, Llantrisant	Application to vary condition (1) of permission 05/0115 by renewing expiration of 5 years from the date of permission (extension to existing house to form additional bedrooms, dining room, garage and general purpose/gymnasium.)	Withdrawn 28/05/10
05/0787	Land at The Old Barn, Heol Ddu, Castellau, Llantrisant, Pontyclun	Retention and completion of improvement to agricultural land, removal of top soil to store, fill land with sub soil to depth of 600mm and return top soil.	Conditions 28/10/05
05/0284	Coedcae Mawr Farm, Beddau, Llantrisant, Pontyclun	New Stable Block.	Conditions 10/06/05



## **PUBLICITY**

The application has been advertised via direct neighbour notification and site notice. One letter has been received raising the following comments:

- i) Supports the applicant's farm diversification which is considered essential to maintain farm income and the survival of rural communities.

## **CONSULTATIONS**

Land Reclamation and Engineering – raises no objections and recommends drainage conditions including the need for a hydrological assessment as there is an existing water course which passes through/adjacent to the site.

Countryside, Landscape and Ecology – advises that the Sewbrec Records of Statutory Protected Species show a record of a bat roost at Coed Cae Mawr but is 204m from the location of this application. Appropriate bat informative note needed on any planning permission issued.

Public Health and Protection Division – raises no objection and recommends conditions in relation to hours of operation, noise, dust, disposal of waste and a site investigation in view of the previous use of the building.

Transportation Section – raises no highway objection subject to conditions (revised observations dated 10/09/13)

## **PLANNING POLICY**

### Rhondda Cynon Taf Local Development Plan

The site is identified as being located outside the settlement boundary, within a special landscape area and a sandstone minerals safeguarding area.

Policy CS2 – sets out criteria to promote sustainable growth within the Southern Strategy Area.

Policy AW2 - sets out criteria for only supporting development in sustainable developments which include not conflicting with surrounding uses, having good accessibility, good access to key services and facilities.

Policy AW5 – supports development proposals where amenity and accessibility issues are appropriately addressed.

Policy AW6 – supports development proposals which meet a number of design and place making criteria.

Policy AW8 – sets out criteria for the protection of the natural environment, including natural resources and drainage.

Policy AW9 – supports the alteration, renovation or conversion of existing buildings outside the defined settlement boundaries for tourism uses where the existing building is structurally sound or is capable of being made so without substantial major alteration or reconstruction.

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

Policy AW14 - safeguards mineral resources from any development which would unnecessarily sterilise or hinder their extraction.

Policy SSA23 requires development within Special Landscape Areas (SLA), designated to protect areas of fine landscape quality, to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area. The site is located within SLA 23.6 Mynydd y Glyn and Nant Muchudd Basin.

#### Planning Policy Wales (PPW)

Para. 4.5.4 advises that the countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors.

Para 4.6.7 advises that for most rural areas the opportunities for reducing car usage and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole.

Para. 4.6.8 advises that development in the countryside should be located within and adjoining those settlements where it can be best accommodated. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Para 7.3.3 advises that a positive approach to development associated with farm diversification in rural areas should be adopted, irrespective of whether farms are served by public transport. Initial consideration should be given to adapting existing farm buildings, but the provision of a sensitively designed new building on a working farm within existing farm complexes maybe appropriate where a conversion opportunity does not exist.

Para 11.1.2 encourages sustainable tourism, promoting local prosperity and community involvement while protecting and valuing natural heritage and culture whilst minimising environmental impact.

Para 11.1.4 encourages sustainable tourism in ways in which enable it to contribute to economic development, conservation, rural diversification, recognising the needs of visitors and those of local communities.

Para 11.1.7 in rural areas tourism related development is an essential element in providing for a healthy, diverse, local and national economy. It can contribute to the provision and maintenance of facilities for local communities. Development should be sympathetic in nature and scale to the local environment and to the needs of visitors and the local community.

Para 11.1.9 states that development for tourism, sport and leisure uses should, where appropriate, be located on previously development land.

Para 11.3.1 states that when determining applications for tourism developments there is a need to consider the impact of proposals on the environment and local community. They may seek to reduce the impact of development using arrangements for traffic and visitor management.

#### TAN 6 Planning for Sustainable Rural Communities

Para 2.2.3 advises that where development proposals are intended to meet local needs a site may be acceptable even though it may not be accessible other than by the private car.

Para 3.7.1 advises that when considering applications for farm diversification, authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. Initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.

#### **PLANNING CONSIDERATIONS**

The site is located outside the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan. Taking this and the above policies and guidance into account it is considered the main issues in determining this application are whether it is acceptable in principle, its impact on the character and appearance of the area, which is located within a Special Landscape Area, impacts on the natural environment, transportation considerations and compatibility with surrounding land uses.

It is acknowledged that both local and national planning policy seek to strictly control development in the countryside. There is a presumption against development in such locations unless there is an overriding agricultural or other benefit to the rural economy. National policy also provides a positive approach to development associated with farm diversification and to tourism development, particularly by adapting existing farm buildings, irrespective of whether farms are served by public transport.

This application forms part of the continued farm diversification of the applicant's use of his agricultural land. The applicant has been granted planning permission for the provision of livery stables Ref 12/0080 and Ref 13/0145 and was granted permission at appeal on 28.01.13 for the change of use of agricultural land and a barn opposite The Countryman Hotel and Restaurant, Heol Ddu, to horsiculture, Ref 12/0739. A letter from the Farmers Union of Wales supports this continued farm diversification in order for the applicant to maintain farm security. The applicant has also provided a business plan for the holiday rental proposal accommodation, which demonstrates that the business would be viable.

Therefore, it is considered that, based on the above matters the development proposed for the site would be acceptable in principle.

Apart from being located within the countryside the site is also located within Special Landscape Area 23.6 Mynydd Y Glyn and Nant Muchudd Basin, where any development proposal is required to protect its fine landscape quality and to be sensitively located and conform to the highest standards of design, siting, layout, scale and use of materials appropriate to the character of the area. The key policies and management of this SLA are to ensure there are no large scale developments to spoil its integrity, conserve the old patterns of farmland, with large hedges and trees and to conserve patterns of existing smallholdings.

The proposed development is small scale, utilises an existing building and the proposed alterations to the building are minimal. The use of materials are considered sympathetic to the character and appearance of the existing building, and commensurate with the rural area. It is therefore considered that the impact on the character and appearance of the qualities of the SLA is considered acceptable.

With regard the impact on the natural environment, there would not be any significant impact on the existing field pattern, and no impact on any adjacent hedgerows or trees. A bat informative note would be attached on any consent issued in order to alert the applicant to the possible existence of bats. In terms of the water environment, the main impact would be the potential for water pollution and flood risk. In this regard no objections have been raised by the Council's Land Reclamation and Engineering Section. Conditions would be imposed on any consent issued to secure the hydrological assessment required and to secure adequate disposal of waste and drainage.

In terms of transportation matters and the nature of the existing access lanes, it is considered that consideration should be given to the recent planning history of other development proposals by the applicant in the area, Ref's 12/0080, 12/0739 and 13/0145 referred to previously in this report. It is acknowledged that the proposal would generate frequent trips to the site on substandard access lanes. However, the Inspector in respect of the appeal decision regarding Ref 12/0739 recognised that in the countryside the standard of the highway network is generally lower. Based on the existing use of 8 horses, there would generally likely to be two visits to the site a day per horse, equating to 32 daily trips plus some service traffic. It is considered that there would be likely to be less traffic generation from two holiday units. In terms of road accidents, the Council's accident data base for the most recent 5 year period to 31/03/2012, has revealed only one accident between the nursing home on Llantrisant Road, Heol Ddu and Beddau Square which was attributed to icy conditions. The Inspector, in respect of Ref 12/0739 concluded that the development proposal was small and relatively the highway conditions are not so substandard as to give rise to any serious risk to highway safety.

An objection was received originally from the Transportation Section. Concern was raised about the substandard nature of the access lanes leading to the site being substandard to cater for the additional traffic generated, the access lacking adequate visibility at its junction with Heol Ddu to serve the proposed development which would create traffic hazards to the detriment of highway safety and inadequate parking and turning provision within the site. However, as a result of further consideration of the above matters and assessment, no highway objections are raised subject to conditions to restrict the development to holiday let purposes only and to secure improvements to the site access. The submitted plans show adequate land in the site boundary for parking and turning provision, so conditions in respect of these matters are not considered necessary. However a condition requiring passing bays along the site access track is considered necessary, as these would need to be provided within land in the applicant's control.

In respect of compatibility with adjacent land uses, the holiday units would be located adjacent to the applicant's existing agricultural storage building and over 170m from the nearest adjacent residential property, but due to the topography and existing vegetation the building would not be visible from this property. It is therefore considered that the development would not result in a detrimental impact on the amenities of the occupants of this property in terms of noise, lighting and general disturbance. The security or management of the holiday units would be undertaken by the applicant and a condition is recommended to be imposed in order to ensure that the facilities are secure, and that they design out crime.

In relation to the issue of safeguarding the Sandstone resource required by Policy AW14 of the LDP, given the abundance of the Sandstone resource in Rhondda Cynon Taf, the very limited footprint of the building, it is considered the proposal would not conflict with the purpose of LDP policy.

In conclusion it is considered that for the above reasons the proposed development is acceptable subject to the imposition of appropriate conditions as recommended.

**RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plans No's 2632/12/02/A1, 2632/12/A2 received by the Local Planning Authority on 09/08/13.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed without the prior express permission of the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

6. The building shall not be occupied until the drainage works have been

completed in accordance with the approved plans.

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

7. Surface water run-off from the proposed development shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent surface water run-off from discharging onto the public highway, in the interests of highway safety in accordance with Policy AW10.

8. The premises shall not be used otherwise than as holiday accommodation and shall be used for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting or amending that Order.

Reason: The site is unacceptable for general residential use by reason of being located outside the settlement boundary in accordance with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the occupation of the holiday units hereby permitted, a management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include, inter alia, details of how the holiday units would be operated, managed and maintained by the developer to ensure that the facilities are secure, and that they design out crime.

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

Reason: To ensure that the development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the submitted details, the existing access shall be improved by re-forming it at a right angle off Heol Ddu for a distance of at least 10m with a carriageway width of at least 4.8m wide and constructed in permanent materials in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be completed in accordance with the approved details before the development is brought into beneficial use.

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

12. Notwithstanding the submitted details, the existing access track shall be provided with a passing bay, with a carriageway width at least 4.5m x 10m in length, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be completed in accordance with the approved details before the development is brought into beneficial use.

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

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<b>APPLICATION NO:</b>	<b>13/0689/10</b>	<b>(MF)</b>
<b>APPLICANT:</b>	<b>Ms E Graham</b>	
<b>DEVELOPMENT:</b>	Raised timber decking (retrospective)	
<b>LOCATION:</b>	<b>3 GRAIG TERRACE, GRAIG, PONTYPRIDD, CF37 1NH</b>	
<b>DATE REGISTERED:</b>	<b>24/07/2013</b>	
<b>ELECTORAL DIVISION:</b>	<b>Graig</b>	

#### **APPLICATION DETAILS**

Retrospective planning permission is sought for the construction of a raised decked area at 3 Graig Terrace, Graig.

The timber decking measures 9.8m in width by 4m in depth and creates a level garden/ amenity area at the same level as the ground floor of the property to the west of the dwelling. Due to the difference in ground levels between the front and rear of the application site, the structure is sited 2.5m above ground level at its highest point. A 1.1m high timber balustrade is sited above to secure the structure.



## **SITE APPRAISAL**

The application property is a traditional end of terrace dwelling located in a residential area of Pontypridd. External materials are of render, concrete roof tiles, and white uPVC windows and doors. The property fronts the footway and has an enclosed garden at street level to the western side. The land falls steeply away from the dwelling to the rear and therefore the rear amenity space itself is unusable. Two timber decked areas have been constructed to the side and rear of the dwelling to compensate for this, one of which seeks consent within this application. The residential street to the rear, Rickards Street is sited at a much lower level and the rear gardens of the adjacent properties within this street bound the application site.

## **PLANNING HISTORY**

No planning history.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. Two letters of objection have been received from residents of the neighbouring properties 59 and 60 Rickards Street making the following comments (summarised):

- Concerns that the applicant does not own the land where the development has been constructed.
- The structure has an overshadowing impact upon the properties to the rear.
- The structure has an overbearing impact upon the properties to the rear.
- The structure directly overlooks the properties to the rear.
- No surveys have been submitted with the application to confirm that the land where the structure has been erected is capable of supporting the development.
- The structure results in the devaluation of the neighbouring properties.
- Concerns that the neighbouring properties are disturbed by noise due to the use of the development.
- Concerns that waste may be dumped to the rear of the development.

## **CONSULTATION**

Consultation – Structural Engineer – no objection.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan:

The application site lies within the settlement boundary for Pontypridd.

Policy AW5 – sets out criteria for new development.

Policy AW6 – supports development that involves high quality design and makes a positive contribution to place making.

### National Guidance

#### Planning Policy Wales:

Paragraph 4.11.2 Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

## **PLANNING CONSIDERATIONS**

The key considerations in respect of this application are the visual impact of the development and its impact upon the amenity and privacy of the neighbouring residential properties.

In terms of the effect on the visual amenity of the area, the development is in keeping with the main dwelling house and similar to other examples of raised decked areas within the locality. It is considered that the structure is an improvement to the visual appearance of the property and its garden area, providing an attractive feature that allows greater use of the extended amenity area to the applicant. Consequently, it is considered that the proposal is appropriate and acceptable in terms of its scale, design and impact on the character and appearance of the dwelling and the surrounding locality.

With regard to the impact of the development on neighbouring properties, it is acknowledged that by the very nature of a raised decked area a degree of overlooking arises. However, due to the significant difference in ground levels between the structure and the residential properties to the rear which are set at a considerably lower level than the application site, it is considered the views created from the development actually look over the entire curtilages of properties to the rear rather than overlook the properties themselves and their rear amenity space. Furthermore, there are a number of mature trees between the application site and

the properties to the rear which are to remain. The trees screen the development from the neighbouring properties and combined with the significant difference in ground levels eliminate any undue overshadowing or overbearing impact arising in comparison to the previous arrangement at the site. With regard to the issue of noise raised by the objector, it is considered that a degree of noise would have occurred previously from the existing garden area at the application site and that the introduction a decked area would not increase this. Therefore, on balance, it is not considered the development significantly increases the impact upon the residential amenity and privacy standards previously enjoyed by the neighbouring properties to a degree that would warrant refusal of the application.

With regard to the structural soundness of the development, following consultation with the Council’s Structural Engineer no objection has been raised. It is however suggested a condition be added to any consent requesting full design details and supporting calculations for the decking be submitted to and approved in writing by the Local Planning Authority.

The objectors have stated that the whole of the application site may not be under the ownership of the applicant. In light of this the applicant has submitted a copy of their title deeds that indicates that all of the land included within the red line on the location plan is under their ownership.

The objectors have also raised concerns regarding the proposed works having a future impact upon the value of their property and have suggested that waste may be dumped underneath the decking in future, these are not material planning considerations. However, any problems that may arise in respect of waste could be reviewed under Public Health and Protection’s statutory nuisance legislation.

Having regard to the above, the application is recommended for approval, subject to the following conditions.

**RECOMMENDATION: Grant**

1. Within 56 days of the date of this consent a structural appraisal of the existing decking and associated ground works at 3 Graig Terrace are to be submitted to and approved in writing by the Local Planning Authority.

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

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<b>APPLICATION NO:</b>	<b>13/0734/15</b>	<b>(DB)</b>
<b>APPLICANT:</b>	<b>Celtic Energy</b>	
<b>DEVELOPMENT:</b>	Variation of condition 2 and 4 of Planning Permission Ref 09/1242/10 to continue the use of the existing access off	

the A4061 for a further period to 31 December 2019, (as part of an extension to the surface mine, within Neath Port Talbot CBC) and to allow the retention of the coal haulage road, post cessation of surface mineral workings, for use in association with the agricultural and other management of the land.

**LOCATION:** SELAR SURFACE MINE, RHIGOS, ABERDARE.  
**DATE REGISTERED:** 19/07/2013  
**ELECTORAL DIVISION:** Rhigos

## **BACKGROUND INFORMATION**

This application was submitted at the same time as application Ref 13/0779 that was submitted to Neath Port Talbot County Borough Council by Celtic Energy Ltd to extend the area of extraction within the central part of the existing Selar Opencast site (Selar Central Extension). A report regarding application Ref 13/0779 is also presented to this Committee meeting, providing this Authority's comments on the application to Neath Port Talbot County Borough Council.

## **APPLICATION DETAILS**

This application seeks consent to vary Condition 2 and 4 of Planning Permission Ref 09/1242 to continue the use of the existing access to Selar Opencast Coal Site, for a further period until 31 December 2019.

The access onto the A4061 is the access for all heavy service, delivery and coal lorries associated with the Selar Opencast Site. Use of Parish Road, Rhigos is restricted to cars and vans only.

The current planning permission for the use of the access, ref 09/1242, was granted on 9<sup>th</sup> July 2010. Condition 2 requires the use of the access to cease by 31<sup>st</sup> December 2015, other than for operations associated with restoration works and aftercare provisions, at the opencast site. The end date is consistent with the planning permission for the coaling operation granted by Neath Port Talbot County Borough Council, which requires coaling and restoration operations to be completed by 31<sup>st</sup> December 2015.

Condition 4 requires the restoration of the coal haulage route within 6 months of the completion of the coal operation. Details of the proposed restoration of the coal haulage route following the cessation of coaling operations are proposed to still comply with the scheme submitted by Celtic Energy Ltd in a letter dated 21.05.10. The restoration details propose the reduction in width of the route from 6m to 4m, removal of the speed control measures and the metalled surface and its replacement with an aggregate rolled finish, the removal of the acoustic fence, planting of a 350m length of hedgerow, planting of the embankments of the cutting and provision of stiles and way markers to the rights of way which cross the route.

The application for the central extension covering an area of 19 hectares within the current site boundary, would yield a reserve of some additional 0.8 million tonnes of coal, over an extended 2½ years operational period. This would mean that working, including backfilling and restoration of the site would continue for a further 6½ years up until 31<sup>st</sup> December 2019.

The proposed Selar Central extension would involve a further £0.5 million of additional finance to the Selar Liaison and Selar Trust funds for local community projects and facilities.

The coal would continue to be transported by road to the Onllwyn Washery via the A4061, A465 and the A4109. The hours for coal traffic would remain as the current permitted hours – 07:00 to 17:00 Monday to Friday and 07:00 to 13:00 on Saturdays.

The application has been submitted with an Environmental Statement and a Community Engagement Statement. A copy of these documents are available for inspection on the application file.

## **SITE APPRAISAL**

The access road for coal haulage purposes is a purpose built road, surfaced with tarmac with associated drainage and fencing. It lies within Rhondda Cynon Taf County Borough and is approximately 3,20m in length, traversing from the site in an easterly direction over the former Flyndaff Opencast Coal Site onto the A4061 Treherbert Road. It enters the A4061 via a priority crossroads junction, at approximately 763 metres southwest of the Hirwaun Industrial Estate roundabout.

The route comes within 600m of the most southerly residential properties of Rhigos and Cwm Hunt. This access road is affected by many public rights of way known as Footpaths 17,19,25,26 Rhigos and Bridleway 10 Rhigos. Some of these have been temporarily stopped up or diverted for the duration of the coaling operations and are to be reinstated after operations have ceased.

The Parish Road, Rhigos is restricted to cars and vans only using the Selar site.

The original Selar site covers an area of approximately 330 hectares and lies to the east of Blaengwarch in the Vale of Neath. The nearest part of the main opencast site has been utilised for the deposit of the overburden mound, which is approximately 1.2km distance from the nearest properties in Cwm Hunt. The proposed central extension to the main excavation area lies to the west of the overburden mound, and would be over 1 km distance from properties in Cwm Hunt.

## **PLANNING HISTORY**

The Selar site lies within the County Borough of Neath Port Talbot, although the access road for coal haulage purposes and the Parish Road, Rhigos lies within Rhondda Cynon Taf County Borough. The following applications have been considered by this Council or by the former Mid Glamorgan County Council.

09/1295	Selar Opencast Site Rhigos Aberdare	Proposed northern extension to Selar Opencast Coal Site	Raise no Objection 15/07/10
09/1242	Selar Opencast Site Rhigos Aberdare	Variation of Condition 2 of planning permission ref. 05/2174 to continue the use of the existing access to Selar Opencast Site, off the A4061 for a further period to 31.12.15.	Granted 09/07/10
06/2401	Selar Opencast Site Rhigos, Nr Glynneath	Extension of time for the completion of opencast coaling and ancillary operations. (Observations requested by Neath Port Talbot County Borough Council)	Raise no Objection 16/03/07
05/2266	Selar Opencast Site Rhigos, Nr Glynneath	Extension of time for the completion of opencast coaling and ancillary operations (with the exception of the proposed restoration and aftercare works) until 31st December 2010 (Amendment to condition 3 of planning permission 93/0348/05) Observations requested by Neath Port Talbot County Borough Council	Raise no Objection 12/06/06
05/2174	Selar Opencast Site, Rhigos, Nr. Glynneath.	Extension of time for the continuation of opencast coaling and ancillary operations (with the exception of the provision of restoration and aftercare works) until 31st December 2010 (Amendment to condition 3 of planning permission ref : 51/93/0266	Granted 12/06/06
99/4271	Selar O.C.C.S Glynneath Neath.	Aftercare scheme under condition 46 of consent 2/3/94/0348.	Raise no Objection 06/08/99
98/4153	Selar O.C.C.S., Glynneath,	Detailed scheme in relation to the overburden mound under Condition 29	Raise no Objection

	Neath	of planning permission 2/3/93/0348	15/05/98
97/4062	Selar O.C.C.S., Glynneath, Neath	Gate and barrier at Parish Road	Raise no Objection 26/09/98
93/0266	Proposed Selar Opencast Site, S/w of Rhigos, Aberdare	Mining of coal by opencast methods	Granted with Conditions 06/12/94

## **PUBLICITY**

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

## **CONSULTATION**

Transportation Section - no highway objection subject to a condition to restrict haulage vehicles via the A4061 and A465(T) only.

Public Health and Protection Division – raises no objections.

Neath Port Talbot County Borough Council - raises no objection subject to the following matters:-

- a positive outcome of the Planning Application for additional coaling at Selar Central
- the partial restoration of the access road in width and its surface modified to a stone rather than a tarmacadam surface
- a suitable restoration bond is provided by the developer for such restoration work.

Rhigos Community Council – raise no objections.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The Proposals Map shows that the Parish Road and the coal haulage road are located within the area of primary and secondary coal resources, and the Parish Road and part of the coal haulage road are included within a proposed Site of Nature Conservation Interest.

Policy CS1 states that the Council will seek to protect resources and contribute to the regional and national demand for a continuous supply of minerals, without

compromising environmental and social issues, by a number of measures including ensuring that the impacts upon residential and sensitive land uses from mineral operations and the transportation of minerals are limited to an acceptable proven safe limit.

Policy AW5 supports development proposals where amenity and accessibility criteria are met.

Policy AW8 only permits development where the natural environment is preserved and enhanced.

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

Policy AW14 states that where possible mineral resources shall be safeguarded from any development, which would sterilise them or hinder their extraction. The Proposals Map shows that the resources of coal will be safeguarded from development.

### National Guidance

#### Mineral Planning Policy Wales

Paragraph 61 advises that Government's policy is to ensure a secure, diverse and sustainable supply of energy at competitive prices.

Paragraph 62 requires proposals for opencast development to meet the following requirements otherwise they should not be approved:-

- the proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage;
- if this cannot be achieved it should provide local or community benefits which clearly outweigh the disc-benefits to justify the grant of planning permission.
- Land will be restored to a high standard and to a beneficial and suitable after-use.

#### Ministerial Interim Minerals Planning Policy Statement (MIMPPS) 01/2009 Health Impact Assessment for Opencast Coal Sites

Para 63 advises that it is the policy of the Welsh Assembly Government that a Health Impact Assessment should be provided to accompany any application for opencast coal working.



## Minerals Planning Guidance (MPG) 2 Applications, Permissions and Conditions

This guidance covers planning applications for minerals development, planning permissions and the imposition of planning conditions.

## Minerals Planning Policy (Wales) Minerals Technical Advice (Wales) 2: Coal

This Mineral Technical Advice Note (MTAN) sets out detailed advice on the mechanisms for delivering the policy for coal extraction and contains advice on best practice.

Para 14 states that where UK coal is available and the generators continue to use it, UK coal contributes to energy diversity and supply, but there are important environmental and amenity issues that require very careful consideration.

Para 52 advises that whilst extensions to existing mineral workings are often more generally acceptable than new Greenfield sites this needs to be balanced with the policy on buffer zones and take into account issues of cumulative and in combination effects.

Para 53 advises that for surface coal workings, an extension beyond the original site boundary, the economic preference for extensions should be very carefully weighed against the social and environmental costs. The operator is encouraged to demonstrate that this does not delay progressive reclamation of the principal part of the existing site.

Appendices B to R provide best practice on a whole range of matters including landscape and visual impact assessment, transport, and reclamation.

## **PLANNING CONSIDERATIONS**

The main considerations in assessing this application are whether there have been any material change in circumstances since the previous planning permission was granted, (Ref 09/1242), to withhold renewing the consent and whether the conditions attached to the permission are still relevant, or need to be updated or amended.

The coal haulage route via the A4061 and the A465(T) and onto the Onllwyn Distribution Centre remains the same. The Environmental Statement (ES) accompanying the application states that the proposed central extension would be likely to result in the same level of output of approximately 250,000 tonnes per year for the proposed 2½ year period. This would represent an average number of 77 lorry movements per day, to and from the site, and an average of 15 two way vehicle movements per hour. The ES has examined personal injury accident data over the most recent five-year period and has concluded that there have been no accidents attributable to HGV movements associated with the site and the Onllwyn Washery. The ES concludes that there is no reason to withhold consent for the extended use

of the access as it would have no noticeable difference on the local highway network.

On the basis of the proposed same level of output rates, the Transportation Section has raised no objection to the proposals subject to a condition securing the use of the existing access. However a legally binding agreement is requested in order to secure an assessment of the damage caused by the hgv traffic associated with the development and the payment of compensation if appropriate, where the HGV traffic would exceed 50% of the total HGV traffic on the A4061 between the site and the A465 (T). However, the ES states that the HGV traffic associated with the development amounts to only 35% of the overall HGV traffic on the adjacent roads. It is therefore considered that in these circumstances such an agreement is not necessary. It is therefore considered that the proposed extension of time is acceptable in terms of highway safety.

In terms of the potential effects on the local residents of Rhigos and Cwm Hunt, the mineral operations and the coal haulage route would be subject to the same working practices and environmental safeguards to reduce the effects of noise, dust and vibration to acceptable levels as the existing development. The operational hours for the movement of coal between the site and the Onllywn Washery would remain as the existing hours of 0700-1700 Monday to Friday and 0700-1300 Saturday. On this basis the Public Health and Protection Division has raised no objection to the proposed development. There have been a few complaints received from time to time concerning the noise and disturbance of coal hauliers entering the site before 07:00 hours. The manager of the site has advised that he has reminded all coal hauliers that they are not allowed to enter the site before 7am and that road repairs were undertaken to the haulage road in early summer 2013 in order to provide as smooth a run as possible for these vehicles. This matter will be subject to ongoing monitoring, but it is considered that the existing hours of operation are acceptable.

The proposed restoration details of the coal haulage route are the same as previously approved as part of the previous planning permission, Ref 09/1242. Up to this point, the road was to be removed following the completion of operations and the land restored for agricultural purposes as part of the Ffyndaff Opencast Coal Site. However, the circumstances of the surrounding land has changed over time. The land has been farmed by Ty Draw Farm for some time and the coal haul road now forms an integral part of the daily management of the farm. It is therefore considered appropriate to retain an agricultural track in place of the current metalled road surface, so that it is suitable for its agricultural purpose and location in the open countryside. The Transportation Section raise no objections to the retention of the route to serve Ty Draw Farm. The restoration details are considered acceptable subject to minor amendments concerning the hedgerow planting mix, the deletion of the tree planting which is not considered necessary as there is adequate self seeded tree growth, and the provision of a stock proof fence to replace the existing acoustic fence. No details are provided of the re-instatement details of the Parish Road.

Therefore it is considered that a condition requiring the re-instatement of the Parish Road is appropriate.

**RECOMMENDATION:** - The application be **APPROVED**, subject to: the conditions set out below; the provision of an appropriate financial guarantee for the restoration and re-instatement of the coal haulage road and Parish Road; and to a resolution to Approve the Selar Central Application from Neath Port Talbot County Borough Council.

**RECOMMENDATION: Grant**

1. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be carried out in accordance with the environmental controls set out in Chapters 16 of the submitted Environmental Impact Assessment dated July 2013, or any subsequent agreed amendments.

Reason: To ensure that the use of the access is not a source of nuisance to occupants of nearby residential properties and in the interests of road safety in accordance with Policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development, other than any outstanding restoration works and the aftercare provision required by Condition 7, shall cease by 31 December 2019.

Reason: The development is of a temporary nature

3. The means of access to the Selar Opencast Coal site shall be restricted as follows:

- the use of Parish Road, Rhigos, shall be reserved for cars and vans only, and an appropriate barrier shall be maintained across the Parish Road for the duration of the permission.
- all heavy service, delivery and coal lorries shall only be permitted to use the existing coal haul road onto the A4061 Rhigos Road.

Reason: To ensure no heavy coal, service, or delivery vehicles travel to and from the site via public roads in Rhigos, and in the interests of highway safety, in accordance with Policies AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Within six months of the completion of the development, or the earlier permanent cessation of coal operations, the coal haul road shall be reduced in width to an agricultural track together with adjacent restoration and re-

instatement works in accordance with the submitted restoration scheme, attached to the Celtic Energy Letter dated 21.05.10. or as otherwise previously approved in writing with the Local Planning Authority, except as may be modified by conditions below.

Reason: To ensure the satisfactory restoration of the coal haul road and adjacent land in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

5. Within six months of the completion of the development, or the earlier permanent cessation of coal operations, as part of the restoration works to the coal haulage road in accordance with Condition 4 above, the removal of the acoustic fence shall be replaced with a stock proof fence as detailed in Appendix E of the submitted restoration scheme, attached to the Celtic Energy letter dated 21.05.10.

Reason: To ensure the satisfactory restoration of the land in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

6. Six months prior to the completion of the development, or the earlier permanent cessation of coal operations, revised details for the planting schedule of the proposed hedgerow to be undertaken in accordance with Condition 4 above, shall be submitted to and approved in writing with the Local Planning Authority. The planting of the hedgerow shall be carried out in the first planting and seeding season following the completion of the development or the earlier permanent cessation of coal operations, 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 Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

8. Noise monitoring shall continue to take place in the vicinity of Gernant House, Cwm Hunt and 10, The Bryn, Rhigos, in accordance with details

previously agreed for the duration of the permission.

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 Policies AW 5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Six months prior to the completion of the development. or earlier permanent cessation of operations, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the re-instatement of the Parish Road to a condition similar to that which existed prior to the commencement of mining operations. The re-instatement works shall be carried out in accordance with the approved details, within six months of the completion of the development, or the earlier permanent cessation of coal operations.

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

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**APPLICATION NO:** 13/0880/10 (SF)  
**APPLICANT:** Biogen (UK) Ltd  
**DEVELOPMENT:** Construction of an Anaerobic Digestion Facility, landscaping and associated infrastructure (revised scheme layout)  
**LOCATION:** AMGEN RHONDDA LTD, BRYN PICA LANDFILL AND RECYCLING, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0BX  
**DATE REGISTERED:** 27/08/2013  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

#### **APPLICATION DETAILS**

Members will recall that an application for an anaerobic digestion facility (AD) at the above site was previously considered at this Committee on 4 July 2013, when Members resolved to approve the application (13/0186).

Following the issuing of the decision on 12 July 2013, the applicant received confirmation through further site investigations undertaken during Summer 2013, that an area of unstable land associated with former mining operations, extended further north than had previously been anticipated. Based on these findings and the need to reduce the size of the bunded area which is used to contain part of the facility, the applicant is now proposing to revise the approved site layout. This will involve changes to the location and dimension of some of the plant however, it has been confirmed that no amendments to the throughput, outputs, number of structures, traffic numbers or processes on site are proposed.

**In order to assist Members' consideration of this application and as a significant amount of the material previously submitted has not changed, the current amendments and any updates are shown in this report in bold and all of the details and issues previously reported and which remain unaltered, are shown in normal script.**

This is a full planning application for the construction of an anaerobic digestion (AD) facility, landscaping and associated infrastructure to be located within the existing site boundary of the Bryn Pica Waste Management Facility in Aberdare.

Anaerobic digestion is the process whereby food waste is treated resulting in the natural biological breakdown of organic material. This produces two principal products:

- Biogas (Natural Gas) - consisting of 60% methane and 40% carbon dioxide, which is combusted to recover its energy in the form of renewable electricity and heat;
- Bio-fertiliser – or 'digestate' which has a high nutrient content and can be spread directly onto farmland as a direct replacement of chemical fertilisers currently used in farming.

The purpose of this AD facility is to deal with all food waste collected from Rhondda Cynon Taf, Merthyr Tydfil and Newport Councils and forms part of an Inter Authority Agreement – 'The Tomorrow's Valley Joint Waste Procurement Project'. The purpose of this partnership is to deliver a waste treatment solution for all collected food waste and the preferred waste treatment solution is anaerobic digestion, which is being promoted by the Welsh Government. Food waste generated within Rhondda Cynon Taf is currently transported to Avonmouth and then disposed of in Somerset.

The applicant, Biogen (UK) Ltd is the preferred bidder to build and operate the food recycling facility and currently operates two existing AD plants as well as having recently obtained permission to build and operate two further AD facilities in North Wales (Gwynedd and Denbighshire). The proposed AD facility will be fully licensed and regulated by the Environment Agency, which now forms part of Natural Resources Wales (NRW).

The anaerobic digestion plant is designed to process material from the entire food chain with a proposed waste throughput of 24,000 tonnes per annum, which is principally collected municipal food waste and a small element of commercial food waste. The outcome of this will result in the production of approximately 18,000 cubic metres per year of nitrate and potash rich bio-fertiliser that can be utilised on farmland and will also produce 1MW of 'green energy', that is sufficient to power approximately 1,500 homes.

All deliveries to the site will be made by refuse collection vehicles with loads covered and sealed or by tankers and it is proposed that these will occur every day of the week (except Christmas Day and Boxing Day), but will only operate during daytime hours. The AD facility will employ approximately 4 staff, but it is suggested that this will also support a significant number of additional jobs in the supply chain for its operation. There will be no direct public access or delivery of food waste to the facility.

### The Anaerobic Digestion Process and Proposed Development

The anaerobic digestion process involves the following components:

- Waste reception - the food waste received for processing is delivered into the reception area of the main building and unsuitable materials are removed.
- Waste unpackaging and conditioning - the food waste is fed into a hopper and mechanical shredder and is then mixed with 'digestate' (bio-fertiliser), following which any heavy objects (such as cutlery or coins) are removed. The waste is then macerated to produce a slurry, which is pumped into the raw waste buffer tank;
- Waste storage - the conditioned waste is stored in the raw waste buffer tank where it is mixed by gas recirculation;
- Anaerobic digestion - the waste is then pumped into the primary digester where the temperature is maintained at 40°C and mixed by gas recirculation. The way the digestion process works, enables material to be continuously added and removed from the process tanks;
- Digestate (bio-fertiliser) pasteurisation and storage - the 'digestate' is pumped into the pasteurisation tank where it is pasteurized at 72°C to kill any pathogens, screened to remove any remaining objects and then transferred into the digestate storage tank, from where it will be delivered directly to farms. The capacity of the storage tank (3,160 cubic metres) is sufficient to hold 2 months production of liquid digestate, which is required during times when fertiliser cannot be applied to the land;
- Biogas storage - biogas collected from the raw waste buffer tank, primary digester and pasteurisation tank is stored in a gas holder and surplus gas is burned in a gas burner;
- Energy recovery and power distribution - the biogas is piped to the combined heat and power (CHP) boiler. Emissions are discharged via a silenced exhaust and any recovered heat is used in the AD process.

The time taken from the waste being received to it being fully treated is 40 days however, the bio-fertiliser is retained on site in the digestate storage tank until needed.

It is important to note that whilst the anaerobic digestion process will operate on a 24 hour basis, deliveries of food waste are only intended to be carried out during daytime hours. There will also be a need for staff to be present on site for 24 hours a

day for technical purposes however, the majority of staff will only be present during the hours when deliveries are taking place.

In order to facilitate the AD process, the following plant is proposed:

- A weighbridge and reception hall building measuring 28m width by 25m length by 13m in height and constructed from profiled metal cladding and painted olive green;
- A circular digestate storage tank;
- Two circular primary digester tanks;
- A circular raw waste buffer tank;
- A circular pasteurisation tank;
- A biofilter and stack;
- A circular gas holder;
- A combined heat and power (CHP) boiler;
- A concrete bund wall and kerb (containing digestion tanks) and;
- Associated parking area containing 7 spaces including 1 disabled space.

Vehicular and pedestrian access to the site is proposed to be provided via the existing road running between the B4274 Merthyr Road and the Bryn Pica Waste Management Facility, which allows two-way operation of HGV vehicles. A separate access into the AD facility is proposed via the existing access track running along the north-eastern boundary of the site, which will be widened but will retain an existing right of access by the adjacent landowner. The site boundary will be enclosed with a 2.5m high security fence.

The key benefits of the proposed facility are identified in the Supporting Statement as follows:

- The diversion from landfill of approximately 24,000 tonnes per annum of source segregated food waste from the local area;
- The production of 1 MW of 'green energy' that is sufficient to power approximately 1,500 homes;
- The production of approximately 18,000 cubic metres of nitrate and potash rich bio-fertiliser to be utilised on local farm land;
- The reduction in all three local authorities carbon footprint and energy efficiency saving of circa £2 million over the life of the 15 year contract;
- The development of carbon neutral technologies supported by the Welsh Assembly that offer significant energy benefits and will contribute to the Government's overall objective of tackling climate change.

### **Details of the Revised Scheme**

**As a result of the need to relocate the bunded tank area further north, the main changes to the approved layout are identified below:**



- A reduced area in which to position the digestate storage tank, digester tanks, the raw waste buffer tank and pasteuriser;
- The relocation of the gas holder, combined heat and power unit, oil tanks, sub station, transformer and standby generator further north;
- The relocation of the access ramp to the bunded tank area to the east of the site;
- The construction of a raised landscaped bund in the south west corner of the site with material resulting from the excavated bunded tank area;
- An amendment to the boundary at the south western corner of the site to allow the retention of existing storage features currently used by the adjacent Bryn Pica Landfill.

It has been confirmed that the throughput of the facility capacity of the storage tanks will remain unchanged however, due to the need to accommodate the same capacity of the tanks into a smaller bunded area, the dimensions of some of the tanks have changed and their height increased. The key changes between the structures previously approved and the revised scheme, are detailed below:

<u>Structure</u>	<u>Permitted Scheme</u>		<u>Amended Scheme</u>	
	<u>Diameter</u>	<u>Height</u>	<u>Diameter</u>	<u>Height</u>
Digestate Storage Tank	16.5m	14.5m	16.5m	17m
Digester Tank No.1	14m	16m	12.5m	20m
Digester Tank No.2	14m	16m	12.5m	20m
Raw Waster Buffer Tank	8m	11m	9.5m	14m
Pasteurisation Tank	4m	7m	5m	10.5m
Gas Holder	13m	10m	13m	10m

#### Other Supporting Information

In addition to the submitted plans, the application is accompanied by the following:

- A Design and Access Statement (DAS) (Alliance Planning - August 2013);
- Statement in Support of Planning Application (Alliance Planning - August 2013);
- Landscape and Visual Impact Assessment (Nicholas Pearson Associates - August 2013);
- Extended Phase 1 Habitat Survey (Nicholas Pearson Associates - August 2013 );
- Ecological Addendum (Nicholas Pearson Associates - August 2013);
- Copy of the Great Crested Newt Licence granted by Natural Resources Wales - 6 August 2013;
- Site Investigation Reports (Integral Geo-technique – August 2013);
- Air Quality Assessment (Mott MacDonald - December 2012);
- Noise Impact Assessment (Mott MacDonald - December 2012);

- Transport Assessment (Mott MacDonald - December 2012);
- Flood Risk Assessment (Mott MacDonald - December 2012);
- Contaminated Land Survey (Mott MacDonald - December 2012).

In accordance with Article 10 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the applicant has formally notified the Council as owner of the land of the proposed development and submitted the appropriate Certificate.

## **SITE APPRAISAL**

The site comprises a triangular area of land measuring approximately **0.76 hectares** and is located at the northern end of the existing Bryn Pica Waste Management Facility. The site previously accommodated a community recycling centre, which has been moved to an alternative site to the south-west (Ty Amgen). Access to the site is gained from the existing road leading from the B4276 Merthyr Road to the north, which runs adjacent to the western boundary of the site.

The site is currently split-level, with the northern area containing predominantly large areas of raised hardstanding in the central and eastern sections, with the land dropping away to the west, adjacent to the access road. The southern part of the site is relatively level and accommodates the car park (approximately 40 spaces) and also the visitor's centre for the existing waste management facility.

The eastern boundary is defined by a steel palisade fence, which separates the site from the existing access track. Land further to the east slopes up to the peak of Mynydd Aberdar and is characterised by woodland, with grassland beyond. The western boundary is defined by the tarmac access road leading to the Bryn Pica Waste Management Facility. Land to the west is also wooded and slopes down to the Bryn Pica recycling centre and the nearest residential property, Dyllas Farm is also located approximately 600m to the north-west along the B4276.

The existing buildings used for processing general municipal waste are located immediately to the south of the proposed AD facility, together with a gas generation plant, to the south-west. The operational landfill extends approximately 700m further south, with a leachate treatment plant at the southern end. The land then slopes down to Coedcae Farm, which is located approximately 500m to the south.

The site lies immediately to the south-west of a Site of Importance for Nature Conservation (SINC) AW 8.29 (Mynydd Aberdar). An area of land forming part of the SINC to the east of the main access road to Bryn Pica contains a number of ponds, which have been identified as the habitat for Great Crested Newts (GCNs).

**Since the submission of the previous application, an area of mixed woodland plantation at the northern end of the site has been removed in preparation for ground works.**

## PLANNING HISTORY

The site has a long history of applications relating to waste disposal dating back to the 1980's. Previous planning applications that have been made on this site are as follows:

<b>13/0186</b>	<b>Construction of an Anaerobic Digestion Facility, landscaping and associated infrastructure.</b>	<b>Approved 12/7/13</b>
12/1312	Construction of a subsurface petrol interceptor.	Approved 08/05/13
10/0656	Construction of a 2000sqm reed bed system (final effluent polishing) on an area located within the landfill boundary.	Approved 27/09/10
07/0272	Construction of a recycling/recovery and storage building.	Approved 28/11/07
07/0125	Construction and operation of Leachate Treatment Facility.	Approved 11/04/07
05/0850	Modification to the waste containment area and final restoration contours of the landfill site.	Approved 04/01/06
04/1545	Construction of an additional amenity building to Provide welfare/office facilities.	Approved 21/11/04
03/1515	Recycling and completing facility to incorporate a primary sorting building, recycling/separation building, composting sheds, relocation and redevelopment of the existing civic amenity site, additional weighbridge and relocation and construction of a new workshop.	Approved 09/01/04
03/0410	Applications for a Certificate of Lawfulness for an Existing Use - to accept waste from refuse collection vehicles on those Sundays immediately following bank holidays.	Approved 04/08/03
03/0026	The installation & operation of an electricity generation project using engine/alternative sets fuelled by landfill gas.	Approved 21/03/03
02/1711	Variation of condition no. 14 of consent no.	

	C/99/4396/15 to enable the operation of the Bryn Pica landfill site on Sunday to accept Civic Amenity Wastes.	Approved 07/02/03
00/4569	Installation of a landfill gas collection system and an Electricity Generation Plant fuelled by landfill gas from Bryn Pica landfill site.	Approved 06/12/01
00/4344	Construction of underground pipeline connection to foul sewer and associated works.	Approved 03/10/00
99/4396	Reduction of area of land filling, revised profiles of restored landform and restoration of site to nature conservation and amenity purposes.	Approved 19/06/00
99/4091	Erection of portacabin for temporary office use.	Approved 19/04/99
98/4197	Variation of Condition 1 of consent no 51/91/0764 to extend tipping area.	Approved 29/01/99
98/4196	Provision of leachate well of phase 1 to coincide with the fenced boundary.	Approved 22/01/99
97/4076	Extension for offices.	Approved 02/05/97
97/4301	Split-level area to receive and sort recyclable materials.	Approved 13/10/97
95/0383	First floor extension for office accommodation.	Approved 01/11/95
94/0222	Civic amenity waste and recycling centre for public use.	Approved 15/02/95
91/0764	Retention of use as a waste disposal site.	Approved 14/02/92
90/0452	Erection of office/amenity block and provision of weighbridge.	Approved 20/08/90
85/0511	Extension of refuse tipping site	Approved 03/03/86
80/0518	Refuse tipping at former open cast site.	Approved

18/03/81

## **PUBLICITY**

The notification procedure in respect of this application has included direct notification of residential and other properties surrounding the site and the display of site notices, both at the site and at various public locations within Llwydcoed.

No comments had been received at the time of writing this report however, any comments submitted will be reported orally at the meeting.

### Other Publicity

As part of the application submission, it has been confirmed that the applicant Biogen, has also undertaken public consultation in order to inform local residents, community groups and other interested parties of their proposals. This has included:

- A consultation event held on 22<sup>nd</sup> November 2012 at the visitor centre at Bryn Pica, where representatives of Biogen were available to provide information and answer questions;
- The setting up of a dedicated website by Biogen for the project, which outlines the AD process, together with details of the specific proposals for the site – <http://www.biogen-brynpica.co.uk>.

## **CONSULTATION**

**Transportation Section - has raised no highway objection.**

**Public Health and Protection Section - no comments received at the time of writing this report however, any response received will be reported orally at the meeting.**

(No objections raised to previous application subject to the inclusion of contaminated land conditions. It was also noted that the proposed development will require an Environmental Permit from Natural Resources Wales, which will also consider the issues of odour and noise.)

**Land Reclamation & Engineering - no comments received at the time of writing this report however, any response received will be reported orally at the meeting.**

(No objections raised to previous application subject to conditions requiring the submission of full drainage details, including a Hydrological Impact Assessment.)

**Dwr Cymru/Welsh Water - no comments received at the time of writing this report however, any response received will be reported orally at the meeting**

(No objections raised to previous application, but advised consultation with Natural Resources Wales.)

**Natural Resources Wales (NRW) – no comments received at the time of writing this report however, any response received will be reported orally at the meeting.**

**Since the receipt of this application, NRW has granted a licence under The Conservation of Habitats and Species Regulations 2010 in relation to what provisions will be put in place to accommodate Great Crested Newts throughout and after the proposed development.**

(No objections raised to previous application subject to the inclusion of appropriate conditions requiring the submission of a Method Statement in relation to construction work and Great Crested Newts.)

**South Wales Fire and Rescue Service - no comments received at the time of writing this report however, any response received will be reported orally at the meeting.**

(No objections raised to previous application but advised that the developer should consider the need for adequate water supply on the site for fire fighting purposes and access for emergency vehicles in the event of a fire.)

**Countryside, Landscape & Ecology – has acknowledged that a European Protected Species Licence has been granted by NRW and subject to the inclusion of the same ecology conditions attached to the previous consent, no further comments are raised.**

## **POLICY CONTEXT**

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

### Rhondda Cynon Taf Local Development Plan

The application site is outside of the settlement boundary of Llwydcoed and falls within the boundary of Bryn Pica, which is allocated under Policy CS 9.1 (Waste Management) as a Regional Site, being able to accommodate a range of waste management options, including recycling and composting.

The accompanying guidance for this policy advises that in accordance with National Planning Guidance and the Regional Waste Plan (RWP), the Council will seek to promote the reduction, re-use and recycling of materials in order to reduce land take-up for waste facilities. Advances in technology and the introduction of new practices mean that many in-building modern waste management/resource recovery facilities

on the outside look no different to any other industrial building and on the inside, they contain processes and activities that are no different to many other modern industrial processes in terms of their operation and impact.

In line with the Regional Waste Plan, it is also advised that provision should be made for regional waste management facilities to serve more than one local authority area and land at the existing Bryn Pica Landfill Site is one of the two sites within the LDP that have been identified for such provision.

Policy CS1 - promotes development in the north of the County Borough, which builds strong sustainable communities, including the reuse of previously developed land and promoting commercial development in locations which will support and reinforce the roles of Principal Towns and Key Settlements.

Policy CS8 safeguards land for the dualling of the A465 between Hirwaun and Abergavenny (a) 4.).

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 - requires 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, be sustainable, have safe access and not cause traffic congestion. Car parking should be provided in accordance with the Council's Supplementary Planning Guidance (SPG).

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

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

Policy AW8 - only permits development where it would not cause harm to features of the natural environment, special designated sites, or could reasonably be located elsewhere. The policy requires proposed development to demonstrate what

measures are proposed for the protection, management and mitigation of potential impacts on species and habitats of ecological importance.

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

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

AW14 – deals with the Safeguarding of Minerals and requires identifies sites to be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction. The application site is within a site identified as being a coal resource (AW 14.4).

### National Guidance

#### Planning Policy Wales

Paragraph 3.1.2 - applications for planning permission should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise.

Paragraph 4.6.3 - the priorities for rural areas are to secure an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced.

Paragraph 4.4.3 - supports the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner and provides for renewable and low carbon energy sources.

Paragraph 4.9.1 - previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value.

Paragraph 5.2.8 – biodiversity issues must be addressed in development control decisions and development should minimise impacts.

Paragraph 5.5.4 – CCW (now NRW) should be consulted on all applications likely to result in disturbance or harm to protected species.



Paragraph 7.4.1 – advises that Local Planning Authorities should look favourably on proposals for new on-site low carbon energy generation including high efficiency energy recovery from waste and facilitate the provision of an integrated network of waste facilities, subject to no unacceptable impacts on local amenity.

Paragraph 12.1.4 – the objectives of the Welsh Government are to promote renewable energy generation and to ensure that appropriate facilities are established to reduce, re-use, recover and, where necessary, safely dispose of waste, so as to meet its objectives for waste management;

Paragraph 12.5.2 - supports the waste management hierarchy of reduction, re-use and material recovery (including recycling and composting), energy recovery and effective use of waste heat and safe disposal.

Paragraph 12.5.3 - supports the proximity principle for waste management to discourage export of waste to other regions.

Paragraph 12.5.4 - encourages Councils to co-operate in provision of waste management facilities and to co-operate through joint working arrangements to produce regional waste plans in order to provide Wales with an integrated and adequate framework or network of facilities that is actually achieved.

Paragraph 12.7.1 - decisions on planning applications should have regard to the waste management objectives in the national waste strategy.

Paragraph 12.8.8 - seeks optimisation of renewable energy generation.

Paragraph 12.8.9 - states that Local Planning Authorities should facilitate all forms of renewable and low carbon energy generation.

Paragraph 12.10 gives criteria for renewable and low carbon energy proposals and in particular local planning authorities should take into account the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions

Planning Policy Wales Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009)

This provides advice on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

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

Paragraphs 3.3 and 3.4 provide advice on anaerobic digestion.

Planning Policy Wales Technical Advice Note (TAN) 11: Noise (1997)

This provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restriction on development however, Local Planning Authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance.

Planning Policy Wales Technical Advice Note (TAN) 21: Waste (2001)

This technical guidance introduces a comprehensive, integrated and sustainable land use planning framework for waste management in Wales.

It describes the Waste Hierarchy based on Reduction, Re-use, Recovery, Energy Recovery and Disposal as one of the central pillars to advise decisions on waste management options. The effect of waste minimisation, re-use and recovery should result in a reduction in the amount of waste remaining for disposal. It acknowledges however that landfill disposal will continue to be the main option available in the shorter term. In that period, and for those materials still destined for disposal only, Local Planning Authorities must ensure that there is adequate capacity.

Paragraph 7.1 - advises that meeting the Landfill Directive targets to divert biodegradable municipal waste from landfill will require alternative ways of managing waste such as recycling, composting and anaerobic digestion.

Annex C – refers to specific planning considerations. In paragraph C35, emphasis is given to the provisions of the development plan for the area and paragraph C36, provides a list of appropriate locations which should be considered. This includes sites previously or currently occupied by other types of waste management facilities.

Planning Policy Wales Technical Advice Note (TAN) 21: Waste - Revised Draft for Public Consultation (March 2013)

In March 2013, the Welsh Government published a consultation outlining their proposed changes to national planning policy to help deliver waste infrastructure in Wales including, changes to Chapter 12 of Planning Policy Wales and an updated TAN 21 on Waste.

The draft TAN 21 sets out the national waste strategy which should be taken into account by Local Planning Authorities in Wales. This includes the Welsh Government's overarching waste strategy for Wales 'Towards Zero Waste - One Wales: One Planet' (TAW) and confirms that Planning Policy Wales, the new TAN 21, Local Development Plans and TAW, comprise the overall waste management plan for Wales, as required by EU law under the Waste Framework Directive (rWFD). It also confirms the commitment of the Welsh Government to the

implementation of a number of European Directives regarding the management of waste.

Chapter 5 deals with 'Types of Waste Management Facilities' and in relation to Anaerobic Digestion, it is confirmed at paragraphs 5.34 and 5.35 that where the digestate is used as a fertiliser, it will be considered as a recycling facility. Due to the production of bio-gas and digestate, AD is considered to have a greater potential to reduce greenhouse gas emissions than other composting treatments and the Welsh Government is therefore promoting this as the recycling route for food waste.

## **PLANNING CONSIDERATIONS**

The main consideration in the determination of the application is firstly whether the principle of the use is acceptable in this location. Further important considerations include whether the AD facility will have any adverse impact on the surrounding area in terms of visual impact and residential amenity and whether there are any highway implications arising out of the proposed use. The consideration of other issues, which may impact on public health or the surrounding environment such as ecology, noise and odour are also relevant to its determination.

**In relation to the revised scheme layout detailed in the current application, the main considerations relate to any change in the visual impact of the AD facility resulting from the new layout and dimensions of the tanks and consideration of any issues identified in the updated habitat survey and site investigation information submitted. The 'Visual Impact' and 'Ecology' sections of this report have therefore been updated to address these changes.**

### **Principle of Anaerobic Digestion Facility**

In respect of the principle of the proposed use of the application site for an anaerobic digestion facility, this is considered to fall within the allocation of the Bryn Pica site under Policy CS 9.1 as a Regional Site for waste management including recycling and composting. Furthermore, the proposed use will receive food waste generated by Merthyr Tydfil and Newport Councils, which therefore complies with the policy requirement for regional facilities to serve more than one local authority area.

The sustainability of the proposed location of this AD facility, is a further important consideration in assessing whether the principle of the development is acceptable. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW 2 sets out a number of criteria to be taken in account including sites that would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options and has good access to key services and facilities.

It would not normally be expected for this type of waste facility to be located within the settlement boundary and its separation from settlements is considered to be an

overriding sustainability and amenity consideration. The site is easily accessible from the B4276 and A465 Heads of the Valley Trunk Road and the future dualling of the A465 (Policy CS 8), should provide even better access to the site from Merthyr and Newport. The site forms part of the Council's existing waste management facility and previously accommodated the community recycling site, which has now been relocated to the south-west, further along the B4276 at Ty Amgen. The proposed use, which in itself will enable the food waste from 3 local authority areas to be managed entirely sustainably, is therefore considered to fulfil a number of the policy criteria required for a sustainable location and this view is supported by the Spatial Planning Team. The principle of the proposal is therefore in accordance with Policy CS 9.1 and the facility is located in a sustainable location, in accordance with Policy AW 2 of the Rhondda Cynon Taf Local Development Plan (LDP).

### **Visual Impact and Residential Amenity**

**The main components of the AD facility proposed consist of the main reception / processing building and the 4 external tanks containing waste products at various stages of the process, which now range from 5m to 16.5m in diameter and with heights ranging from 10m to 20m. The revised dimensions submitted result in the diameter of the 2 digester tanks being decreased by 1.5m and the height of the 4 storage tanks being increased by between 2.5 and 4m.**

Whilst the reception building is a significant size (28m by 25m and 13m in height), the building has been designed to give the appearance of an agricultural grain store, being constructed from profiled powder coated metal cladding and painted olive green. Whilst the building will constitute a significant feature within the Bryn Pica site, it lies immediately to the north of the building used as part of the waste management buildings and will be of a similar height, design and colour.

**The external tanks are purpose built and again are not dissimilar in appearance to agricultural storage tanks, albeit on a larger scale. The height of the tallest tank has been increased to 20m however, the tanks will be located in the lowest area of the site and set down within a concrete bunded area, which is designed to accommodate all of the digestate, should there be a breach in any or all of the tanks. It was determined in the previous application that whilst both the reception building and tanks would be particularly visible from within the site, details submitted as part of the application indicated that all of the proposed structures would not exceed the height of the existing adjacent buildings, which formed a backdrop for the facility. It is acknowledged in the current application that this is no longer the case and as a result of the increased height of the 2 digester tanks, these will exceed the height of the existing adjacent buildings by approximately 3m.**

**A revised Landscape and Visual Impact Assessment has been undertaken in relation to the revised layout proposed, which notes that the majority of the**

site comprises areas of hardstanding associated with the existing waste facility and the small area of woodland plantation, which existed at the time of the previous assessment, has now been removed as part of the ongoing waste management operations. The site is well enclosed by the adjacent areas of forestry which screen it from wider views and local views are only available from the access road, close to the site. The appraisal acknowledges that the existing landfill site is a feature of the views across the valley, but notes that the existing buildings on the landfill site are not prominent, due to their colour. The assessment outlines the mitigation measures which have been incorporated within the scheme including the location of development within the existing waste site, setting it down to avoid a rise in ground levels and the use of a visually recessive colour scheme, to minimize the visual impact of the development. It is acknowledged that looking from the north-east across the valley, the very top part of the tallest tanks may be seen above the existing forest plantation however, overall it is concluded that the visual effects of the proposal are not considered to have a significant impact.

As described earlier, a significant part of the land surrounding the site is characterised by woodland, which will effectively screen the site from the internal access road and the nearest residential property to the north-west, approximately 600m away. Whilst the site is elevated above Coedcae Farm which is located approximately 500m to the south of the landfill site, it is considered that the new buildings and tanks in the amended layout would not cause significant visual harm when viewed from the south, east, or any residential property nearby, as they would still be viewed against the existing buildings on the Bryn Pica site. Whilst the Bryn Pica site is visible from views across the valley to the west of Aberdare, the buildings and tanks will be of a similar colour to existing buildings on the site and it is not therefore considered that their appearance will be harmful. Furthermore it is considered that the revised layout, which shows the tanks located closer together in a cluster, may have less overall visual impact particularly when viewed from the west. It is accepted that it would not be possible to screen the development due to scale of the proposed facility however, it is considered that the proposed mitigation will significantly reduce its visual impact on the wider landscape and residential amenities. The raised landscaped bund which is now proposed in the south-west corner of the site, will provide further screening from the south and west. The proposed facility is therefore considered to comply with policies AW5, AW6 and AW12 of the LDP.

Further potential impacts on residential amenities in relation to odour and noise are considered in the relevant sections below.

### **Access and Highway Safety**

The vehicular access for the proposed facility is via the existing access to the Bryn Pica Waste Management Facility from the B4276 Merthyr Road, which is currently

used to provide access by large HGV vehicles used in connection with the existing landfill operations. It is noted by the Transportation Section that the current visibility from the junction to the B4276 is slightly below standard however, there have been no vehicular accidents attributed to this junction in the past 5 years or accidents on the access into the site and no highway objection is therefore raised.

The existing access is approximately 5.5 metres in width and is therefore considered suitable for the operation of two-way traffic to and from the site. It is acknowledged in the application that there is no suitable pedestrian access to the site however, given the limited number of staff trips to the site (8 per day) and the number of HGV movements which will be using the access, both in connection with this use and the remaining waste facility, it is not considered reasonable that a suitable footway is provided. It is anticipated that staff and visitors would travel to the site by private motor vehicle.

Waste materials are intended to be taken to the site in 20 tonne HGVs which are sealed, although larger vehicles may be used. The Transport Assessment, which accompanies the application advises that the facility is estimated to generate 102 vehicular trips per day and based on the proposed delivery hours, equates to 10 vehicle movements per hour however, this is not anticipated to have an adverse impact on the local highway network. The digestate (bio-fertiliser) is intended to be removed in tankers with a capacity of 15 cubic metres and this would be transferred to farms during spring and early summer. It is anticipated that 14 additional vehicle movements would be made in addition to the waste deliveries and staff movements however even taking this into consideration, the maximum number of trips is estimated at 102 per day. The Transportation Section has noted that this equates to an increase of 2% to that which currently use the B4376 and confirms that the impact of the proposed development in terms of vehicle movement is negligible. There has also been a reduction in vehicular movements to and from the site since the relocation of the former community recycling centre, which previous occupied the application site.

In terms of on-site parking, the proposal makes provision for 7 parking spaces, including 1 disabled space and whilst this use is not specifically identified in the Council's SPG which contains parking requirements, this level of parking is considered to be appropriate for the proposed use and will satisfactorily cater for the 4 members of staff proposed and any visitors.

As identified earlier, the site which has been identified for this facility currently accommodates the existing staff and visitor parking for the Bryn Pica Waste Management facility and the application information identifies that alternative provision will therefore need to be made elsewhere on the main site. It is understood that the replacement car park and the visitor centre will be provided before the commencement of the first phase of the development and delivered by the Waste Authority (Rhondda Cynon Taf). The current application does not include specific

details regarding the location of the alternative facility, however it is considered that this can be secured through a suitable worded condition.

The Transport Assessment provided with the application has been considered and no objections have been raised by the Transportation Section subject to the completion of improvements to the access onto the Merthyr Road. Since the submission of this application, the required access improvements have been carried out and have been confirmed as acceptable by Highways Officers. It is therefore considered that the proposed use will not cause any adverse impact in terms of highway safety or activity generated and the use complies with Policy AW5 of the LDP.

**At the time the previous application was determined, Members requested the inclusion of a condition to require the submission of Traffic Management Plan and this is also included in the recommended conditions (No.21).**

### **Ecology**

The application is accompanied by an Extended Phase 1 Habitat Report, which notes that the main habitats include small areas of semi-improved grassland, vegetation, scrub and a small unit of mixed plantation woodland. A strand of Japanese Knotweed has been recorded within the site and a further assessment is recommended to determine its location and spread and whether a mitigation or eradication strategy is required. The Council's Ecologist has recommended that this should be controlled by condition.

The Habitat Report also identifies that the habitats found around the site provide a suitable habitat for breeding birds, reptiles and amphibians and various mitigation recommendations are made including pre-construction checks, good practice measures during construction, the retention and protection of boundary habitats during works and the control of lighting within the site to preserve the boundary habitats to ensure that any bat roosts remain undisturbed. These issues can be controlled through a Wildlife Protection Plan, which the Council's Ecologist has suggested in order to ensure the various identified habitats are protected both during and after construction of the AD facility.

The most significant issue identified in the Habitat Report is the presence of two ponds, which previous and recent surveys have confirmed are used by Great Crested Newts (GCNs). These ponds are located 150 metres to the north of the site and to the east of the existing access into the site, however given the proximity of the ponds, it is considered that the application site could potentially support Great Crested Newts during the terrestrial stages of their life-cycle. Without suitable mitigation, the proposed development and use of the site could lead to injury or disturbance through habitat loss or modification.

The current application is accompanied by an Ecology Addendum (August 2013) which provides an update on the Phase 1 Habitat Survey Report previously prepared in February 2013. It is acknowledged that in ecological terms, the amendments to the design have altered little, although a landscaped bund is now included. Ongoing activities have resulted in the removal of the mixed woodland plantation, which has also altered habitats previously recorded however, these changes do not alter the potential impacts and mitigation previously identified, with the exception of Great Crested Newts. The Addendum advises that the site is now considered to be less suitable for GCNs and the trapping regime previously outlined in the Habitat Survey, is no longer considered proportionate to the likelihood of GCNs being present on site. The updated Phase 1 Habitat Survey also includes a revised Great Crested Newt Method Statement (August 2013) and it is recommended that the approach detailed within the revised Method Statement including, phased habitat management, erection of exclusion fencing and destructive search, is undertaken.

At the time the previous application was considered, Natural Resources Wales (NRW) advised that a Method Statement should be submitted and agreed, as well as a European Protected Species (EPS) licence application for Great Crested Newts, prior to works commencing. The need for a Method Statement was therefore covered by a condition attached to that consent. Since the previous application was approved, NRW has granted an EPS licence for GCNs based on the information contained within the revised GCN Method Statement (August 2013). It is therefore considered appropriate that the condition attached to the previous consent requiring the submission of a GCN Method Statement should be amended for this application to require compliance with the revised Method Statement (August 2013) that has been submitted and recently agreed by NRW. This issue has been raised with NRW and their response is awaited.

In relation to the need to reduce light spillage from the development onto adjacent areas of woodland, the scheme indicates proposed locations of low lighting and floodlighting and it is therefore considered that the full details and positioning of this lighting should be controlled by condition.

## **Noise**

It has also been identified that the proposed facility has potential noise impacts associated with the development including site clearance and ground works during the construction process and noise arising during the normal operation of the development including, vehicles accessing the site.

A Noise Impact Assessment has been submitted in support of the application which identifies however that potential noise impacts on the nearest sensitive receptor, Dyllas Farm are limited as this property is over 600m from the site and there is a



wooded area in between. A background noise survey conducted at this residential property established that the main source of noise was traffic using the B4276 and therefore no significant noise impacts during the construction period are anticipated however, construction activities are proposed to be restricted to between 7am and 7pm (Monday – Friday) and 7am to 1pm (Saturday) and will be conditioned accordingly.

In relation to the AD process, this is a continuous process with mixing equipment associated with the digesters operating automatically and the CHP unit operating for 24 hours per day. The power generation units are containerised in acoustic enclosures and located within the building with silenced exhaust pipes to outside.

A calculation of operational noise using worst-case daytime calculations has been undertaken and the predicted rating level of the proposed waste digester was below the background level both during the day and night time, indicating that complaints would be unlikely. The Noise Impact Assessment also confirms that the noise levels at night within rooms of the nearest properties 600m away, would be within guidelines for the prevention of sleep disturbance and the site generated traffic would also have no adverse impact. It is therefore considered unlikely given the location of the site, processes involved and proximity from the nearest property that there would be any adverse noise impact and that the scheme would therefore comply with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

### **Air Quality / Odour**

It is acknowledged that the proposed AD facility has the potential to have an adverse impact on air quality through the construction of the facility and process and to also create odour issues, due to the nature of the waste being processed. In relation to the construction process, this is expected to last eleven months and information submitted with the application identifies that the initial ground works phase, which is required in order to provide the operational base for the AD facility, is expected to have high dust emissions, which will be reduced during the set up and landscaping phases.

The Air Quality and Odour Assessment (December 2012) accompanying the application, considers the impacts resulting from both the construction and operational phases of the development. This has been undertaken as a qualitative assessment as detailed modelling of the operational phase of the proposed plant would be undertaken as part of the Environmental Permit Application (EPA) that is required to be carried out.

In relation to the construction phase of the facility, it is proposed that various mitigation measures which include requirements for site planning, construction traffic and site activities will be implemented on site to minimise nuisance in terms of dust and it is considered that this will reduce the effect of the proposed development to an acceptable level. Whilst the nearest residential property (Dyllas Farm), is located

approximately 600m to the north-west adjacent to the B4278, the control of dust falls within other legislation and it is not therefore appropriate to seek to control the proposed mitigation measures through the application process.

As stated earlier, the operational phase would be controlled by the EP application however, based on similar plant machinery installed at other sites and the mitigation measures already incorporated within the plant design and emissions controls and protection measures which would be enforced through the EP, the overall impact of the facility is not considered to be significant.

The Assessment confirms that odour would be mitigated using appropriately designed buildings and odour control units. All food waste would be delivered to the site in sealed or covered vehicles and all processing would take place behind closed doors. The main reception building will be designed to provide negative air pressure in the reception and process areas in order to contain dust and odour within the building. A bio-filter will also be used within the building which will extract air and provide at least 3 air changes per hour. The process and digestate storage tanks are completely sealed and emissions from the Combined Heat and Power (CHP) boiler and biogas composition will be controlled through the Environmental Permit application process

The Air Quality and Odour Assessment advises that based on the mitigation measures already incorporated within the plant design and the emission controls and protection measures which will be enforced through the Environmental Permit that will be required from NRW, the impacts are not considered to be significant.

Whilst the submitted details indicate that there will be no outside (open) storage, it is considered appropriate to include a condition to prevent this from occurring. Subject to this restriction, it is considered that the proposal, together with the controls that will be exercised through the EP application, will ensure that there are no adverse effects caused by air quality or odour and the scheme would comply with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

## **Other Issues**

### Ground Conditions

Information submitted as part of the application suggests that the site is part of a former mine and has been subject to extensive earthwork and filling operations. **Whilst further site investigation reports have been received following the submission of the current application, it is considered that the condition previously imposed remains appropriate.**

### Land Contamination

A Contaminated Land Survey Report has been submitted as part of the supporting information which concludes that the risk of significant contamination being identified and the need for a remediation strategy is unlikely. Public Health has recommended conditions to deal with any land contamination and it is considered that these are appropriate, given the previous use of the site.

### Flood Risk and Drainage

The Flooding Consequences Assessment (FCA) submitted with the application confirms that the application site is located within Zone A described in TAN 15 , which is considered to be at little or no risk of flooding from rivers or the sea. The Assessment also identifies that the primary source of flood risk is considered to arise from surface water run-off however, based on the site's location, the risk of groundwater flooding is not considered to be significant.

It is recommended that surface-water run-off from the development should be managed by means of a surface water draining system so that the development is not at risk from surface water flooding and does not increase the risk of flooding elsewhere. The supporting information suggests that surface water run-offs from the car park and the bunded tank area will discharge to the existing surface water drainage system immediately to the south of the site however, it is also confirmed that discussions will be undertaken with the Environment Agency (NRW) to examine the potential to re-use treated water in the AD process. It is confirmed that all rainwater falling on the buildings will also be collected and used as cooling or process water in the AD plant or discharge to the surface water system.

All effluent or waste water will also be collected and transferred for treatment within the on-site treatment facility and the detailed design will be agreed with the Environment Agency (NRW). The supporting information confirms that there is no feasible sewer connection available in the vicinity of the site. **Confirmation of these details relating to the drainage strategy for the site were forwarded to NRW during the previous application in response to their query regarding contaminated water and no objections were raised subject to appropriate conditions.**

### Coal Resources

The whole of the area where the development would take place is allocated as a coal resource under Policy AW 14.4. It is not however considered that the redevelopment of this land, which amounts to **0.76 hectares** and which previously accommodated a community recycling centre, would sterilise this mineral resource, or would conflict with Policy AW 14 of the Local Development Plan.

### Conclusion

Having regard to the considerations outlined above, it is considered that the revised scheme layout proposed AD facility is acceptable and complies with the relevant policies of the Rhondda Cynon Taf Local Development Plan and national planning guidance.

Members are however requested to agree to delegate the decision to the Service Director Planning, to await confirmation from NRW regarding the current proposals in relation to Great Crested Newts.

**RECOMMENDATION: Grant**

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

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

2. The external finishes of the buildings, tanks and other plant forming part of the development hereby permitted shall be finished in strict accordance with details of colour and texture to be submitted to and approved in writing by the Local Planning Authority, prior to their construction on site. The buildings, tanks and plant shall thereafter be maintained in the approved colour and finish, unless otherwise agreed in writing by the Local Planning Authority.

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

3. The materials and method of construction including finished levels of the access track **and raised bund** forming part of the development hereby permitted, shall be carried out in strict accordance with full details which shall be submitted to and approved in writing by the Local Planning Authority, prior to its construction on site.

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

4. Construction works on the development shall not take place other than during the following times:
  - Monday to Friday 07:00 to 19:00 hours;
  - Saturday 07:00 to 13:00 hours;
  - Not at any time on Sundays, Bank or Public holidays, unless

otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Deliveries of waste to the site shall not take place other than during the following times:

- i) Monday to Friday 0800 to 1800 hours
- ii) Saturday, Sundays, Bank or Public holidays (except Christmas Day and Boxing Day) 0800 to 1600 hours, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. There shall be no outside open storage of waste or any other materials whatsoever on the site, unless otherwise agreed in writing by the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed until details, including its location, size, design and intensity have been submitted to and approved in writing by the Local Planning Authority. The lighting installed shall be carried out and retained in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.

Reason: To prevent light pollution and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. The development hereby approved shall not be beneficially occupied until details of the proposed enhancement of the woodland edge along the north-eastern boundary of the site adjacent to the access track has been submitted to and approved in writing by the Local Planning Authority. The enhancement works shall thereafter be carried out in accordance with the

approved scheme, unless the Local Planning Authority gives written consent to its variation.

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

9. 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:

- 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 on retained habitats and features 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, amphibians and reptiles, etc.)
- Details of specific mitigation strategies for bats, reptiles, badger, breeding birds, great crested newt, Japanese Knotweed and pollution controls.
- Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

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

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

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

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

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

12. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 11) 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.

13. 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.

14. No building shall be occupied 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.

15. No building shall be occupied or the use commenced until the drainage works have been completed in accordance with the approved plans.

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

16. No development shall take place unless a Hydrological Impact Assessment has been submitted to and approved by the Local Planning Authority, including proposed mitigation, design details and a development program with respect to:

- Protection of open and culverted sections of the existing watercourse during and after construction;
- Protection of properties downstream of the development from increased flood risk during and after construction owing to the development; and



- Protection of properties within the development from flood risk.

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 flood risk.

17. The buildings and tanks shall be constructed in accordance with the locations shown on the approved plan reference **RHON-B-002 Rev F**, unless otherwise agreed in writing by the Local Planning Authority.

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

18. No work shall commence on the construction of the development platform constituting the first phase of development unless the existing staff car parking area has been relocated in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

19. At such time as the AD facility hereby approved ceases to be used, all buildings, tanks, plant and equipment used in connection with the use shall be removed from the site and the land shall be restored in accordance with a scheme of restoration, including a timetable of works and persons responsible for carrying out the works. The scheme of restoration shall be submitted to and approved in writing by the Local Planning Authority, within one month following the AD facility use ceasing and shall be implemented thereafter in accordance with the approved details.

Reason: To ensure that the external appearance of the site 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.

20. Prior to the commencement of development, a Method Statement detailing how great crested newts will be conserved during the works, shall be submitted to and approved in writing by the Local Planning Authority. The statement must include, but not exclusively:

- a) Details of methods of works both on site and any enhancement works to the receptor area;
- b) Timing of works;

- c) Schedule of works;
- d) Action to be taken in the event a great crested newt is found;
- e) Post-development monitoring;
- f) Clarification of which areas of the site suitable for use by great crested newts will be impacted by the works;
- g) Details of the locations of all newt exclusion fencing to be installed and the duration any fencing will be in place;
- h) Full details of the nature and extent of any enhancement works to the receptor area and the methodology that will be followed when undertaking these works; and
- i) Be written in fully enforceable language throughout.

The development hereby approved shall be carried out in strict accordance with the approved Method Statement, unless the Local Planning Authority gives written consent to any variation.

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

21. Prior to the beneficial operation of the development hereby approved, a traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be operated strictly in accordance with the approved management plan, unless the Local Planning Authority gives written consent to any variation.

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

22. Prior to the commencement of development, a working method statement to cover all construction works shall be submitted to and agreed in writing by the Local Planning Authority. The statement should cover the following requirements:

- 1. timing of works
- 2. machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
- 3. protection of areas of ecological sensitivity and importance
- 4. site supervision

The development shall thereafter be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To prevent pollution of the water environment arising from ground works in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

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

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**3 OCTOBER 2013**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**