

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE**

**18 SEPTEMBER 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

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

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

1. Application No. 13/0416 - Change of use and development of the existing B2 industrial unit into a renewable energy generation production facility. Amendments to the scheme to reduce the output from 8MW to 4MW, a consequential reduction in the number of stacks from 6 to 3 and an increase in height from 25m to 30m. All incorporated within a Revised Planning Statement, Environmental Statement Addendum, Revised Plans and emails submitted 2<sup>nd</sup>, 27<sup>th</sup> June and 19 July 2014. A Waste Planning Assessment has also been submitted on 2<sup>nd</sup> June 2014, Unit 43 - 44 Seventeenth Avenue, Hirwaun Industrial Estate, Hirwaun, Aberdare
2. Application No. 13/1241 - Erection of a single 500kW wind turbine and associated transformer enclosure.(Additional information - Addendum to Landscape and Visual Assessment received 15/05/14) – Land at Rhigos Road, Aberdare.
3. Application No. 14/0347 - Change of use from club to public house, Hopkinstown Cricket Club, Western Field Park, Hopkinstown Road, Hopkinstown, Pontypridd.
4. Application No. 14/0490 - Single storey side and rear extension and install a chair platform lift, The Boars Head, Coedcae Lane, Talbot Green, Pontyclun.

5. Application No. 14/0573 - Upgrade of outdoor play area to a multi-use play area, erection of a 4 metre high boundary fence, 4 no. floodlight posts, creation and extension of car park area. (Amended description 28/05/2014) (amended forms, description and plans received 03/07/2014), Ton Pentre and Gelli Boys Club, Dinam Park, Ton Pentre, Pentre.
6. Application No. 14/1053 - New plant depot comprising of industrial workshop and offices with new access to highway, land north east of Sigma 3 Kitchens Unit, Llantrisant Business Park, Llantrisant, Pontyclun.
7. Application No. 14/1071 - Demolition of detached garage. Construction of porch, rear single storey extension and side two storey extension, 26 Milford Close, Tonteg, Pontypridd.

## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 13/0416/10 (DB)  
**APPLICANT:** Premier Green Energy Ltd  
**DEVELOPMENT:** Change of use and development of the existing B2 industrial unit into a renewable energy generation production facility. Amendments to the scheme to reduce the output from 8MW to 4MW, a consequential reduction in the number of stacks from 6 to 3 and an increase in height from 25m to 30m. All incorporated within a Revised Planning Statement, Environmental Statement Addendum, Revised Plans and emails submitted 2<sup>nd</sup>, 27<sup>th</sup> June and 19 July 2014. A Waste Planning Assessment has also been submitted on 2<sup>nd</sup> June 2014.  
**LOCATION:** UNIT 43 - 44 SEVENTEENTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN, ABERDARE, CF44 9UP  
**DATE REGISTERED:** 17/05/2013  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve

### REASONS:

The proposed renewable energy production facility on the existing unit on the Hirwaun Industrial Estate has been considered and it is considered that it would does not have such an effect that would warrant a refusal and it would assist in the provision of renewable energy production. It is in compliance with the relevant policies of the Local Development Plan in respect of its impact on landscape importance, nature conservation, public health and residential amenity.

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### APPLICATION DETAILS

This is a detailed (full) planning application for the construction of a renewable energy production facility on land at the eastern end of the Hirwaun Industrial Estate.

An Environmental Statement (ES) accompanies the application. This is part of the Environmental Impact Assessment (EIA) Regulations. A Transport Assessment and an Air Quality Assessment also accompany the application.

Since the original submission of the application, the application details have been amended to effectively half the original proposal in order to address air quality considerations. The further information is incorporated within a Revised Planning Statement, Environmental Statement Addendum, Revised Plans and emails submitted on 2nd June, 27th June and 19th July 2014. The amendments have essentially reduced the proposals to a single pyrolysis plant from the originally proposed two phases of pyrolysis plant, consequential reductions in the number of stacks from 6 to 3 and an increase in their height from 25 metres to 30 metres and a reduction in the number of gas engines from five to two. A Waste Planning Assessment as required by TAN 21 was also submitted on 2nd June 2014.

The full description of the development as included within the ES, the ES Addendum, revised planning statement and waste planning assessment provides the following details of the application:-

The renewable energy facility would involve the provision of an advanced conversion technology plant (ACT) using pyrolysis (a form of advanced thermal treatment) in conjunction with gas engines and ancillary plant to produce up to 4 MW of exported renewable electricity.

The development would comprise of a bespoke energy recovery facility which has been designed to recover a maximum of 44,000 tonnes of non hazardous mixed waste wood per annum. However, the minimum quantity that the facility could process and remain operational would be 22,000 tonnes. The facility would be operated in one module which would be capable of coping with between 2 to 4 tonnes of the pre treated wood waste per hour. The wood waste would be delivered to the site by local waste contractors, in 15-20 tonne loads and would be dried, pre-treated and shredded before entering the site.

On site the mixed wood waste would be stored in a new purpose built, open-sided storage bay. It would then be transferred via a conveyor to the drier plant where it would be dried to ensure the optimum moisture content (approximately 5%) to meet the feed requirements of the pyrolysis plant. The drier plant would be able to process up to four tonnes of the pre-treated waste per hour which would be fed into the pyrolysis plant continuously. The drier plant would be heated using the waste heat generated by the pyrolysis process. Material would be transferred to the pyrolysis plant by enclosed conveyor systems into a feed hopper. Within the pyrolysis plant the wood waste would be subject to heat in an oxygen free environment to produce clean synthesis gas (syngas). Any bio char (charcoal) produced by this process would be utilised as the primary heat source for the pyrolysis plant. Any remaining ash would be vitrified and used as an inert aggregate fill road stone material. The pyrolysis process uses waste heat and by products for the generation of heat and hot water/steam. The gas treatment comprises of a wet gas quench, wash and scrubbing process to produce clean synthetic gas. The syngas is subsequently combusted within the five gas engine generators to produce

electricity. This would be connected to the Hirwaun 132 kv substation approximately 400 metres to the south west of the site by an underground cable.

The site would also produce approximately 4MWth of high grade thermal energy, the majority of which would be used for the thermal drying process. Any excess would be made available for export to local industry.

The existing industrial unit would accommodate the single pyrolysis plant and its associated plant. The alterations to the building would involve enlarging the existing doors and fitting them with fast acting vehicle access doors and also alterations to the rear elevation to accommodate the belt dryer plant. An open sided storage bay would be constructed to the northern end of the building which would measure 9.3 metres x 16.3 metres with a single sloping roof with a maximum height of 9.429 metres. At the rear of the existing unit new plant comprising of two gas engines generator sets, cooling plant and the installation of five external flue stacks would be installed on concrete pad foundations and provided in dedicated enclosures. The three flue stacks associated with the pyrolysis plant and associated engine plant would all be approximately 30 metres high above the existing ground level, approximately 1.0 meter in diameter and finished in a standard grey metallic colour. The stack height has been determined through the use of detailed air quality modelling to identify the optimum height for dispersion and mitigation of any impacts. All new buildings and plant are proposed to be finished externally in materials to match the existing building.

Externally the existing ground levels are not proposed to be altered. A security fence would be erected around the perimeter of the site to security lighting is proposed. The site access and land to the rear would be upgraded to enable vehicular and maintenance access and a weighbridge and wheel washing facilities would be provided. A water treatment plant is proposed in order to recycle all water used during plant operations in order to reduce the demand on the mains water supply.

The existing landscaping within the site is mostly to be retained and the landscaping within the embankment to the rear is not proposed to be affected. Additional tree planting proposed along the southern boundary of the site.

The electricity generation would take place 24 hours a day 365 days per year, although deliveries would take place Monday to Saturday. The site would operate on a 3 eight hour shift pattern which would be likely to be 7am, 3pm and 11pm.

Subject to necessary consents, the proposed scheme is scheduled to commence in the last quarter of 2014 and would take five months to construct. The proposed construction hours would be 07:00 to 19:00 Hours Monday to Saturday and :09:00 to 16:00 Hours on Sunday.

It is expected that the proposed development would employ the equivalent of 15 full time employees working over a 24/7 shift pattern. At any one time it is anticipated that there would be 4-5 staff during the daytime and 8 staff at all other times.

## **SITE APPRAISAL**

The application site lies within the eastern end of the Hirwaun Industrial Estate.

It is an irregular shaped site and measures approximately 0.81 hectares. It comprises of the existing vacant single unit (43-44) of an approximate footprint of 2,000 square metres and its existing parking and access areas. The site is a level site lying at approximately 210m A.O.D. The existing building measures approximately 29.5m x 58m x 9.1m high with two pitched roofs and is finished externally predominantly in profiled metal sheeting coloured light grey. The parking and turning areas are located to the front and sides of the existing unit together with landscaping areas. The site is surrounded by 2m high palisade fencing.

The western and southern boundaries of the site adjoin the industrial estate. The eastern boundary adjoins a belt of woodland vegetation which adjoins a noise bund of the coal conveyor presently being used by the Tower Surface Coal Mine Site. The northern boundary adjoins woodland vegetation and the elevated A465 Heads of the Valley Trunk Road.

It is understood that the previous use of the Unit, which ceased in September 2012, was for architectural stainless steel fabrication. There are no surface water drainage features on the site, the nearest feature, known as Hirwaun Ponds, is located some 67m to the northeast of the site.

Access to the site is gained from the A465 via the A4061 that leads onto Fifth Avenue and then onto Seventeenth Avenue. The application site has two existing road accesses to/from Seventeenth Avenue.

The nearest residential properties are located to the south of the site along the A4061 near the entrance to Tower Colliery Site, approximately 220 metres from the site. The majority of the village of Hirwaun lies approximately 1.4 km to the south-east with the village of Rhigos being located approximately 1.5 km to the south-west.

The Hirwaun Industrial Estate as a whole occupies a generally level area of land. The established uses in the locality are diverse featuring a variety of manufacturing, storage and waste reclamation activities taking place on the industrial estate itself with a large area to the south-east occupied by the workings of Tower Colliery. There are a small number of residential properties near the industrial estate as well as a modestly sized hotel, the Ty Newydd Hotel

To the north of the application site is the Penderyn Reservoir, which is characterised by high embankments. This reservoir is used to supply (drinking quality) water to

tens of thousands of homes and is also used for fishing by the Mountain Ash Fly Fishing Association. In addition to the reservoir, there is an operational pumping station and treatment facilities at the northern end of Ninth Avenue and on both sides of Fifth Avenue.

While the application site itself does not contain any environmentally protected areas, within 2 km of the site there are several areas of land that are protected for nature conservation purposes. These include:

- Brecon Beacons National Park situated approximately 750m to the northeast
- Blaen Cynon Special Area of Conservation (SAC), which encompasses the Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI), situated 120m of the site
- Woodlands Park and Pontpren SSSI, situated 900m to the north east,
- Coedydd Nedd a Mellte SAC, which encompasses the Coedydd Nedd a Mellte SSSI, approximately 1.9 km to the north

## **PLANNING HISTORY**

While there are applications that relate to the Industrial Estate as a whole, there is no relevant history pertinent to the consideration of this proposal relating to the application site itself.

## **PUBLICITY**

As part of the application process formal notices were placed both in the local press (Western Mail) and at various locations in the village of Hirwaun and on the Hirwaun Industrial Estate. For the convenience of local residents and to assist them in making any comments, a copy of the application (including the Environmental Impact Assessment) was placed in Hirwaun Library. Individual letters were also sent to those occupiers of the adjacent units to the application site and to the nearest residential properties.

Three letters have been received raising the following comments:-

- i) Proposed incineration would expel unpleasant odours which could be harmful to health and the environment,
- ii) No evidence of pollution control,
- iii) Air pollution and any smells not conducive to the production and storage of nearby food businesses,
- iv) Concerned about odours and emissions which might significantly affect the quality of liquid products stored on the Hirwaun Industrial Estate, which are sensitive to the environment.

These questions are addressed in the "Planning Considerations" section of this report.

## CONSULTATION

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

Hirwaun and Penderyn Community Council – raises concerns that proper consideration should be made for the safety and the proper management of waste.

Welsh Government Transport Division – as Highway Authority for the motorway and trunk roads raises no objection but advises that there should be no interference with the trunk road boundary and wheel washing facilities should be maintained at the site exit to avoid the deposit of material on the trunk road.

Transportation Section (RCT) – no objections raised following a review of the Transport Assessment. It is considered that the proposed scheme would generate a lesser trip generation along the highway network than the existing use. It is on this basis that no highway objection is raised subject to conditions relating to the provision of access, parking and circulation, surface water drainage, wheel washing facilities and a Section 106 Agreement regarding the implementation of a travel plan. Raises no further comments or amendments regarding the amended proposal.

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

Brecon Beacons National Park Authority – no objection but requests due consideration to controlling traffic movements to and from the site, along the A4059 through the National Park. Raises no further comments or amendments regarding the amended proposal.

Dwr Cymru/Welsh Water - (DCWW) raises no objections and requests conditions and advisory notes to ensure no detriment to existing residents or the environment and to DCWW's assets. Advises on the location of the nearby public sewer which should be protected. DCWW have considered the impact on Penderyn Reservoir from the development's stack emissions and have concluded these effects are unlikely to have any adverse impact .

Countryside, Landscape and Ecology Section (RCT) – raises no objections subject to the imposition of appropriate conditions to safeguard the boundary along the rear of the site. Advises that NRW should confirm acceptance of predicted emissions and the implementation of air quality mitigation measures to ensure the favourable conservation status of the nearby Blaen Cynon SAC.



Public Health and Protection Section (RCT) – no objection subject to the inclusion of appropriate conditions.

Natural Resources Wales (NRW) – withdraws its holding objection and raises no objections to the proposal as does not consider that the proposal will have a Likely Significant Effect on the Blaen Cynon SAC. Raises no objections on landscape grounds or to the TAN 21 Waste Planning Assessment, but raises issues regarding the potential "over provision" of similar facilities and the destination of the residue material.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The application site is outside of the settlement boundary of Hirwaun and falls within the boundary of the Hirwaun Industrial Estate, which is allocated under Policy CS 9.2 (Waste Management) as a Regional Site, being able to accommodate a range of waste management options, including recycling and composting (in-building processes only).

The accompanying guidance for Policy CS9 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. Furthermore, Paragraph 4.88 advises that waste management development in Hirwaun Industrial Estate will be limited to in-building facilities to minimise visual and ecological impact.

**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 and provides land for the improvement of the strategic highway network including development of the A465 Abergavenny/Hirwaun Dualling.

**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:

1. A high standard of design;
2. Appropriate to the local context;
3. An efficient use of land;
4. A high level of connectivity and accessibility to existing centres;
5. The design protects and enhances the landscape and biodiversity;
6. The development promotes energy efficiency and the use of renewable energy;
7. 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.

**Policy AW11** permits development proposals promoting alternative uses for existing employment sites subject to criteria.

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

**Policy NSA22.1 and 3** safeguards land for the provision of rail network improvements along the route of the former freight line between Aberdare and the former Tower Colliery and for the provision of station improvements at the former Freight head Hirwaun.

**NSA23.3** states that the existing network of cycle paths and community routes will be extended, improved and enhanced to include schemes at the Heads of the Valley Cycleway & Links to Hirwaun Industrial Estate.

### **National Guidance**

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

Planning Policy Wales (PPW) Chapter 3 ( Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the coast) Chapter 7 (Economic Development), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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. It advises on the consideration of applications affecting a Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI) – as well as other sites of nature conservation interest. Tan 5 states that development proposals likely to affect a SAC or SSSI must be subject to special scrutiny.

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

Paragraph 3.8 and section 14 within Annex C.14 provides advice on energy from waste.

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 - (Feb 2014)

This revised 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' (TZW) and confirms that Planning Policy Wales, the new TAN 21, Local Development Plans and TZW, 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 4 deals with Development Management and Paragraph 4.1 states that *decisions in relation to waste management facilities should be taken in accord with the relevant development plan for the area and take into account national waste policy...the principles outlined in PPW, Chapter 2 and Annex C of the TAN should*

also be taken into account. Paragraph 4.2 states that *a Waste Planning Assessment should be submitted with all applications for a waste facility...and ...should be appropriate and proportionate to the nature, size and scale of the development proposed.*

Chapter 4 sets out the needs and considerations of different types of Waste Infrastructure proposals. In relation to Energy from Waste, paragraph 4.31 states that it can offer a suitable technique for maximising the social, environmental and economic benefits from the management of residual wastes (that waste remaining after reuse, preparation for reuse and recycling actions has been undertaken) Paragraph 4.33 states that it should be carried out at a high level of energy efficiency and Paragraph 4.34 advises that combined heat and power should be considered favourably where they meet high energy efficiencies.

Planning Policy Wales Technical Advice Note (TAN) 23: Economic Development (Feb 2014)

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

The main consideration in the determination of this application is whether the principle of the proposed renewable energy facility is acceptable in this location and conforms to national planning policy. Further important considerations include whether the renewable energy facility will have any adverse impacts on the surrounding area in terms of landscape and visual impact, impact on the environment (with specific regard to the impacts on the Penderyn reservoir, SSSI and SAC and other habitats in the area), the effect of the development on residential amenity, transport/highway considerations and the effect of the development on the setting of the Brecon Beacons National Park.

### **Principle of Renewable Energy Facility**

The application constitutes a waste management facility on the established Hirwaun Industrial Estate and, as such, is compatible with the local development plan allocation, Policy CS9.2 which allocates the Estate as a Regional Site suitable to accommodate a range of waste management solutions.

The sustainability of the proposed location of this renewable energy 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 AW2 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 A4061 and A465 Heads of the Valley Trunk Road and the future dualling of the A465 (Policy CS8), should provide even better access to the site from Merthyr and Neath directions. In addition the renewable energy facility proposes to be provided at a high level of energy efficiency in accordance with national guidance.

The proposed development would largely be contained within the existing industrial unit and therefore would comply with the terms of Policy CS9.2 which limits waste management facilities to an in building facility to minimise visual and ecological impact.

The principle of the proposal is therefore in accordance with the LDP i.e. Policy CS9.2 and the facility is located in a sustainable location, in accordance with Policy AW2.

Furthermore, the applicant has clarified that the proposal would fall under the description of an energy from waste facility as set out in Section 14 of TAN 8 and meet the requirements of such a proposal as set out in Section 14.3. for the following reasons:-

1. The material is not easily recycled or composted. The mixed wood waste contains contaminants from treatments such as resins, glues and preservatives. A majority of the waste is currently landfilled, incinerated or exported for incineration and would not contain any recyclable or compostable materials.
2. Low grade mixed waste wood is a problem waste identified by the Regional Waste Plan as needing treatment solutions. The waste is commercial and industrial derived ( i.e. not from a municipal source and therefore not subject to the Municipal Waste Management Strategy.
3. The treatment solution is regarded as the Best Practical Environmental Option, as it is locally derived and is currently either exported or disposed via landfill or incineration.
4. The facility would not inhibit recycling or composting at a later date.
5. The proposal includes combined heat and power facilities. The energy would be recovered in the form of gas and charcoal. The thermal energy of these fuels

would then be used to provide the necessary heat for the process and to generate electricity. The plant would provide the equivalent electricity of 7,673 households based on using the DECC 2013 figures for average household usage.

NRW consider that there may be "over provision" of similar facilities. However, whilst the 'Enviroparks Scheme' has been granted for a waste sorting facility, the site is neither in construction nor in operation.

NRW also query the destination of the residue material from the site processes. However, this material relates to a small quantity of material and would need to be treated accordingly depending on whether it is inert or not.

Therefore, as the proposal involves the provision of a new energy from waste facility it would comply with the principles of the national waste policy as set out in PPW, the revised TAN 21 and TAN 8. It is also considered that the proposed development would not prejudice the future implementation of the planned improvements to the rail network or community routes in the vicinity of the site.

### **Landscape and Visual Impact.**

The main components of the proposed renewable energy plant would be located within the existing industrial unit. The new external parts of the plant consisting of the gas engines, generator sets and cooling plant would be located to the rear of the existing unit and below the eaves level of the existing unit. The new open-sided storage facility would be sited at the side of the existing unit and 300 mm above the roof line of the existing building. The proposed three new flue stacks would have maximum heights of 30 metres, which would project significantly above the level of the roofline of the existing building. The applicant has provided detailed plans and illustrative photomontages to enable an informed decision to be made about any potential impact on the visual amenities of the area. Members are advised that the height of the flues would be the most prominent feature, however they would be lower than the adjacent electricity pylons and masts.

It is considered that the exhaust flue element of the proposal would not be out of place in an industrial surrounding and their height would not have any significant impact on the amenities of the area. Whilst they would be visible immediately adjacent to the site, and from higher elevations, the landscape and visual assessment accompanying the application indicates that the visual impact of the new buildings, plant and flues would be negligible due to the surrounding adjacent tree cover, existence of other major industrial activities in the area, additional planting proposed along the southern boundary of the application site and the neutral colour of the proposed flues. It is considered that these broad conclusions are sound and that the nature of the development, its size, location and consequent visibility from relevant viewpoints is unlikely to be significant and that the planned additional screening would further reduce these impacts. NRW have not raised any objections

on landscape grounds and suggest that the additional plantings for screening the development should be broadleaved trees of certified local provenance.

Rhondda Cynon Taff Council, as Local Planning Authority, is required to have regard to any potential effect on the Brecon Beacons National Park. It is considered that the standards of design of the buildings and associated landscaping would be an appropriate form in this location and any impact from the flues is considered not to be unduly prominent. The BBNP Authority have raised no objections to the application.

It is accepted that it would not be possible to screen the development totally, due to the scale of the proposed facility, however it is considered that the proposed mitigation would significantly reduce its visual impact on the wider landscape.

The proposed facility is therefore considered to comply with Policies AW5, AW6 and AW12 of the LDP.

### **Residential Amenity**

With regard to residential amenity, there are a small number of isolated residential properties along Rhigos Road in close proximity to the Industrial Estate. However they are significantly detached from the application site itself such that the buildings and associated apparatus would not have any effect on the amenity standards of these properties.

There will be an increase in traffic during the construction phase, however, given their proximity to an existing established industrial estate, any resulting increase would be well within the capacities expected in this location. It is therefore considered that such increases would be unlikely to constitute any material harm to the standards of amenity that can reasonably be expected to be enjoyed. During the operation of the proposed development the traffic levels are expected to be well below that which would be expected from the operation of the existing industrial unit.

Those properties within the main village of Hirwaun itself would be largely unaffected by any aspect of the proposal, other than an associated increase in traffic when travelling within the vicinity of the entrance to the application site during the construction phase, however, any such traffic would not have any need to enter the village making any encounter relatively brief and not impinging upon the standard of amenity currently enjoyed.

Given the proximity of any residential property from the application site and their proximity to the A465 and other surrounding industrial activity, it is unlikely that there would be any material affect in the standards of amenity occupiers of properties in this area could reasonably expect to enjoy as a result of this development. However conditions are recommended regarding noise and dust minimisation schemes in order to secure impacts are minimised.

With regard to the hours of operation which are proposed for 24 hours a day on 7 days per week, such activity will be fully enclosed and would not have any significant affect on residential amenity. Conditions are recommended in order to restrict the hours of lorry movements and to restrict the hours of the construction phase in order to avoid any impact on residential amenity.

The Public Health and Protection Division have reviewed the air quality and noise assessment matters within the Environmental Statement and have raised no objection subject to the inclusion of appropriate conditions to limit the hours of construction works and the deliveries of waste to the site, during the operational life of the development. These conditions are recommended to be imposed in order to ensure that these matters are not a source of nuisance to nearby residential properties.

The proposed facility is therefore considered to comply with Policies AW2, AW10 and AW12 of the LDP.

### **Highway considerations**

As part of the Environmental Statement, the applicant has submitted a Transportation Assessment outlining the potential impact of the development. The “worst case” scenario was applied in order to provide a robust assessment with data being provided for the single pyrolyser and the originally submitted second pyrolyser unit. The Assessment concluded that there would be a net reduction in vehicular movements per day to and from the unit compared to the extant B2 use.

The Assessment has advised that there would be (estimated) a total of 32 HGV vehicular trips per day, depending on the capacity of the vehicles of between 15 to 20 tonne capacity and a maximum of 34 vehicular trips per day by the staff over the three shift patterns, operating 24 hours a day, 365 days of the year. The HGV vehicular trips are expected to take place between the hours of 7am and 4pm over 6 days a week.

The industrial site is served by a 7.3m carriageway with continuous 1.8m footways and the proposed level of car parking and hgv circulation and parking provision are considered adequate to serve the proposed development.

The Transportation Section have not raised any objection to the development subject to the imposition of appropriate conditions and a Section 106 Agreement to secure the provision of a Travel Plan to encourage the workers at the facility to arrive by means other than the private car. It is considered that as the proposed development would be a small employer, employing 15 full time equivalent employees, this provision could be secured by means of a condition. The BBNP Authority have requested a condition to secure route management of hgv's to avoid use of the A4059 through the National Park. However it is considered that conditions cannot



control the right of passage over the public highway and it is considered not necessary as the expected vehicular movements would be less than the extant use.

Accordingly it is considered that the application is in accordance with Policy AW5 of the LDP.

### **Ecology and Nature Conservation**

A principal issue in the consideration of this application has been the potential for the development to impact on the nearby Cors Bryn y Gaer Site of Special Scientific Interest (SSSI) and the Blaen Cynon Special Area of Conservation (SAC), and the need to safeguard the quality/purity of the water in the DCWW Penderyn reservoir, which is located immediately north of the application site.

NRW's principal concerns are in respect of potential atmospheric emissions and the effects on the sensitive sites referred to above.

NRW have reviewed the Environmental Statement: Addendum dated May 2014 which includes an updated Air Quality Assessment, undertaken in light of the amendments that have been made to the scale and nature of the proposals. The amended Air Quality Assessment demonstrates that modelled emissions to air from the scheme fall under the 1% of "Critical Load" threshold of significance which is outlined within the (former) Environment Agency's standard Air Emissions guidance (H1 Guidance, Annex F Air Emissions).

NRW have welcomed the amendments to the scheme and can confirm that in light of these changes and the clarification provided within the updated AQ assessment, NRW do not consider that the proposal will have a Likely Significant Effect on the Blaen Cynon SAC. NRW therefore has removed its holding objection and raised no objection to the proposal.

DCWW have considered the impact on Penderyn Reservoir from the development's stack emissions and have concluded that on the basis of the information provided, these effects will be negligible and unlikely to have any adverse impact on the reservoir, DCWW have therefore raised no objections to the application on this basis.

Given that all consultees have raised no objections to the proposed development, it is considered that the proposal is compliant with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Water Quality, Hydrology and Flood Risk**

The water quality, hydrology and flood risk assessment considers the potential effects of the proposed development on the water environment in the local area. The Assessment concludes that the impacts of the proposed development would be

negligible following the implementation of the proposed mitigation measures which include the preparation of a Construction Environmental Management Plan, attenuation of surface water run-off, storage of oils in bunded tanks, and recycling of water usage. As the lead Local Flood Authority, in respect of surface water and groundwater management, the Council's Drainage Section has advised that these are key issues in the assessment of the application as the area has intermediate susceptibility to surface water and ground water flooding. However, no objections are raised subject to a number of conditions to ensure the proposed development would not cause or exacerbate any adverse conditions regarding future flood risk. A condition regarding the bunding of the storage of oils would also be required to prevent pollution of the water environment. In terms of the local sewerage system, the loading is expected to be similar to the previous land use. DCWW have raised no objection regarding the likely impacts on the public sewerage system subject to conditions.

### **Conclusion**

Having regard to the consideration outlined above, it is considered that the proposed energy facility complies with the relevant policies of the Rhondda Cynon Taf Local Development Plan and national planning guidance and is 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 external finishes of the buildings, flues and other external 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, flues and other external 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 rear parking areas 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:
- 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.

5. Deliveries of waste to the site shall not take place other than during the following times:
1. Monday to Friday 0700 to 1900 hours
  2. Saturday, Sundays, Bank or Public holidays (except Christmas Day and Boxing Day) 0900 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, nor external shredding of material during the operational phases of the development. Any storage or shredding of material shall take place solely within the buildings on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise noise and dust and in the interests of the 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 existing landscaping along the southern 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 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.

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:
- i) An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - ii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts on retained habitats and features during construction;
  - iii) 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.)
  - iv) Details of specific mitigation strategies for bats, reptiles, badger, breeding birds, great crested newt, Japanese Knotweed and pollution controls.
  - v) Persons responsible for:
    - a) Compliance with legal consents relating to nature conservation;
    - b) Compliance with planning conditions relating to nature conservation;
    - c) Installation of physical protection measures during construction;

- d) Implementation of sensitive working practices during construction;
- e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- f) 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 best practicable means shall be used to restrict the generation of dust during the construction phase of the development, to include measures set out in Para 8.7.14 of the accompanying Environmental Statement.

Reason: To ensure dust emitted is not a source nuisance, so as to protect the local amenity, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to the commencement of the development, a noise management scheme shall be submitted to and approved in writing by the Local Planning Authority, to include the measures set out in Paragraph 9.6.4 of the accompanying Environment Statement. All site operations shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that noise emitted is not a source of nuisance in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Any facilities for the bulk storage of fuel, oils and chemicals, including their emptying and filling points, shall be located within a sealed bunded area, details of which shall be submitted to and approved in writing by the Local Planning Authority before installation.

Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. No part of the development hereby permitted shall be occupied until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall conform to the following criteria:-

- i) Land drainage or surface water run-off shall not discharge onto the public highway, public sewerage system or connect to any highway drainage system unless otherwise agreed in writing by the Local planning Authority,
- ii) Foul water and surface water discharges shall be drained separately from the site.
- iii) The inclusion of sustainable drainage principles where practicable.
- iv) The infiltration methods of drainage procedures as stated in BRE 365.
- v) Surface water sewerage system to provide for a 1 in 100 year return period storm and a climate change allowance of + 30%.

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 part of the development hereby permitted 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. The buildings and external plant shall be constructed in accordance with the locations shown on the approved plan reference 102-HIR-LO-01, 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.

17. The development shall not be brought into use until the means of access, parking and circulation areas have been laid out within the site in accordance with the approved plans.

Reason: To ensure that adequate on-site access, turning and parking facilities are provided in the interests of road safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. Prior to the commencement of development, facilities for wheel cleansing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel cleaning shall be carried out in accordance with the approved details prior to any construction works commencing.

Reason: In the interests of road safety.

19. At such time as the energy 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 energy 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.

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**APPLICATION NO:** 13/1241/10 (EL)  
**APPLICANT:** Infinite Renewables Limited  
**DEVELOPMENT:** Erection of a single 500kW wind turbine and associated transformer enclosure.(Additional information - Addendum to Landscape and Visual Assessment received 15/05/14).

**LOCATION:** LAND AT RHIGOS ROAD, ABERDARE  
**DATE REGISTERED:** 27/11/2013

## **ELECTORAL DIVISION: Rhigos**

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### **RECOMMENDATION: Approve**

#### **REASONS:**

**The principle of the development is considered acceptable, being a small scale wind development that would contribute to the Welsh Government's commitment to optimising renewable energy generation. Furthermore, it is considered that the proposed development can reasonably be accommodated within the landscape without significant harm to the existing landscape character of the area and visual amenity. In addition, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.**

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#### **APPLICATION DETAILS**

Full planning permission is sought for a single 500kW wind turbine on land at Rhigos Road, Rhigos. The turbine would have a maximum height of 78m above ground level, comprising of a hub height of 50m and a rotor diameter of 56m.

The turbine would sit on a reinforced concrete foundation base which would comprise of an cross-shaped layout with a maximum width of 11m and to a depth of 1.95m, which would be buried below the ground. The visible base would be circular and approximately 3.05m in diameter standing proud 0.95m above the ground.

The turbine would be constructed of galvanised steel with 3 blades of reinforced polyester and would be finished in a light grey colour.

There would also be a hard-standing area of approximately 35m by 15m to cater for the cranes required to construct the wind turbine and a vehicular turning area.

The turbine would be connected to the national grid by means of an underground cabling.

The proposal also includes the construction of a small enclosure which would measure 6.05m x 2.99m x 2.82m high. This would house a transformer, associated switch gear and electrical protection equipment. This would be located immediately to the south of the proposed turbine base and would be connected to the grid connection point via underground cabling.

The Planning Statement comments that the turbine is a variable speed, pitch, controlled wind turbine. The 500kW turbine would generate approximately 1,789MWh of electricity per annum, working directly towards the Welsh



Governments regional and national targets for the supply of energy from sustainable energy sources. The electric generated by the turbine would be exported to the local distribution network and sold to a licensed electricity supplier.

The turbine is expected to have an operational life of 25 years, thereafter the wind turbine together with the ancillary equipment would be dismantled and removed from the site and the below ground infrastructure would be covered with top soil to allow natural vegetation.

It is proposed that access to the site be gained via an existing track that connects with Rhigos Road to the far north of the site. The applicant has confirmed that no improvement works to the track itself (which lies within their control) are proposed.

The construction period is likely to occur over a 2 month period. Delivery of some of the components would constitute abnormal loads. Maintenance would be likely to occur 2-3 times a year during the life of the turbine.

The application is accompanied by a number of documents including a Design and Access Statement, a Planning Statement which includes technical data about the wind turbine, a Landscape and Visual Impact Assessment (LVIA) (with addendum dated May 2014), an ecological assessment, a noise report and a shadow/light flicker analysis.

## **SITE APPRAISAL**

The site is located in an area defined as countryside, outside the settlement boundary. The site itself extends to an area of approximately 0.25ha and lies to the far south of Rhigos Road. Access to the site is gained via an existing track which connects with Rhigos Road (to the north). To the far east of the site is the Rhigos Mountain Road (A4061).

The proposed turbine is located on a reclaimed opencast coal site within established improved pasture, bounded by field boundaries of hedges, fences and woodland belts. The site lies east of the settlement of Rhigos and around 700m south of the Hirwaun industrial estate. To the east are active opencast coal workings and to the south west lies the Tower colliery complex, currently shut. The turbine lies at around 250mAOD north west of the scarp slope which rises around 200m in height to Hirwaun Common at around 500mAOD. The dramatic glacial cwm of Craig y Llyn, which reaches 570mAOD lies 2.4km to the south west. These slopes are within a Special Landscape Area (SLA 25.8 Hirwaun Common, Cwm Dare and Cwm Aman). The valley bottom divides between the Neath and Cynon rivers catchments flowing west and east respectively lies at 210mAOD to the north. The Brecon Beacons National Park boundary lies about 1.3km to the north, just beyond the Hirwaun Industrial Estate, rising up to Moel Penderyn at around 3.4km, as the nearest high point with views south. There are other elevated areas of the Park to the east and west as well as the main peaks to the north. The direct environs are relatively free of

vertical elements although pylons run to the north between the proposal and Hirwaun Industrial Estate. A Public Right of Way (PROW RHI/25/4) runs in a west – east direction, approximately 390 metres to the south of the site.

The existing windfarm of Maesgwyn is located around 5km to the west at a similar elevation. The consented Pen y Cymoedd and Mynydd y Bwllfa windfarms will lie just over 2.5km and 3.5km away respectively on the coalfield plateau just to the south.

Whilst not strategic scale development, it is noted that the proposal lies outside the TAN 8 Annex D Strategic Search Area [SSA] F and outside the refined area.

## **PLANNING HISTORY**

There is no relevant planning history on the site in question.

## **PUBLICITY**

The application has been advertised by means of direct neighbour consultations, site notices and press notice. 12 letters of objection have been received which are summarised as follows:

### Impact upon residential and other neighbouring properties

- A number of residents express concern with regard to the proximity of the turbine to their properties.
- A number of residents comment that the turbine would be clearly visible from their properties. It would form a defining view from the windows of their properties.
- Residents consider that the development would have a detrimental effect on the value of their property.
- Concern is expressed with regard to the noise likely to be generated by the turbine, since it is noted that wind speeds in the area are 'above average for the UK'. Concern is expressed that the noise is likely to be intolerable and would combine with traffic noise from the Heads of the Valleys Road that is also audible, depending on wind direction.
- Concern is expressed that given the proximity of the turbine to residential properties, this presents a physical danger to individuals. It is commented that there have been instances where fires to turbines and structural failures in extreme weather can result in debris being spread over an area of 1.5km, placing lives and property at risk.
- Concern is expressed by an adjoining landowner that the development may cause shadowing, which in turn may compromise their potential plans for solar development on their land.
- It is commented that the development would be overbearing and unacceptable to the largely rural village of Rhigos.

### Visual impact

- It is commented that the proposal would introduce a prominent, new and notable vertical element, which will rise well above the intervening hedgerows.
- Concern is expressed with regard to the height of the turbine.
- It is commented that the turbine would be out of proportion with any natural feature or development in this area.
- Concern is expressed that the proposed turbine would break and blemish the beautiful landscape, adversely affecting the Special Area of Conservation.
- It is commented that Rhigos has seen enough commercial/ industrial development over the years, including the open cast mining and that residents do not want turbines.
- The location of the turbine is considered unacceptable in an area that is rural and is noted for its beauty, tourism and archaeological history.
- Concern is expressed that this will set a precedent for further wind turbines in nearby locations.

### Highway Safety

- It is commented that the development will have significant implications in terms of an increase in mechanical, electrical and civil traffic through the village and an incremental increase in noise generally.

### Other matters

- Concern is expressed with regard to the impact of the turbine on the environment.
- Concern is expressed with regard to the effects of the development upon wildlife, particularly birds, in the vicinity of the site.
- Health concerns are also raised in relation to the operation of the turbine and effects upon nearby residents.
- Concern is raised with regard to the stability of the land, as a result of the possible presence of old mine workings.

## **CONSULTATION**

Transportation Section - no objections raised, conditions requiring the submission of a road condition survey and Traffic Management Plan recommended.

Land Reclamation and Drainage – condition requiring the submission of a drainage strategy recommended.

Public Health & Protection – no objections raised, conditions relating to noise limits recommended.

Council's Ecologist – considers that the ecological survey/assessment work is adequate and raises no objections. Condition requiring the submission of a Species and Habitat Protection and Mitigation Plan for construction recommended.

Natural Resources Wales – no objections raised, conditions recommended.

Glamorgan Gwent Archaeological Trust – no objections raised. The Historic Environment Record contains no information on any known features or find spots, or Registered Landscapes that would be affected by the proposal. It is therefore unlikely that any archaeological features would be disturbed during the course of the development.

Defence Infrastructure Organisation – no objections raised. Requests that the turbine is fitted with aviation lighting.

Vodafone UK - no objections raised.

Brecon Beacons National Park – no objections raised. The impact on the special qualities of the National Park is seen as minimal and not significant enough to outweigh the benefits to environmental sustainability that the proposal represents.

Merthyr Tydfil CBC – no objections raised.

Neath Port Talbot CBC – no objections raised.

Rhigos Community Council - objections raised on the grounds of visual impact, sound pollution and shadow effect on Rhigos village.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The site is located outside of settlement limits in the countryside, within a primary and secondary coal resources safeguarding area.

**Policy CS1** outlines how the emphasis on building strong, sustainable communities will be achieved in the Northern Strategy Area.

**Policy CS10** defines safeguarding areas for mineral resources.

**Policy AW5** supports development proposals where amenity and accessibility matters are addressed.

**Policy AW6** supports development proposals where certain design and place making criteria are met.

**Policy AW10** does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of a number of matters including light and noise pollution.

**Policy AW12** permits renewable energy schemes including small/medium sized wind turbines where there is no unacceptable effect upon the interests of certain matters including agriculture, nature conservation, cultural heritage, landscape importance, public health and residential amenity. Minimisation of resource use should also be included. For this policy small clusters of no more than 3 larger wind turbines up to 1.5 MW and community based schemes of no more than 5MW capacity are treated as small wind turbine developments.

**Policy AW14** safeguards the resources of coal from any development which would unnecessarily sterilise or hinder their extraction.

### **National Guidance**

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

Planning Policy Wales Chapter 3 (Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), and Chapter 12 (Infrastructure and Services) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

### **Other relevant policy guidance consulted**

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 8: Renewable Energy: The site is located outside of TAN 8 Strategic Search Area F.

PPW Technical Advice Note 11: Noise; This provides advice on the assessment and management of noise impacts for different types of proposals. It refers to advice in TAN 8 regarding the assessment of noise impacts of wind turbines.

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

#### **Principle of the proposed development**

At UK and Welsh Government level there is strong support for renewable and low carbon energy, with specific targets set for the reduction in green house gases and energy generation from on-shore wind development. The exploitation of wind power is promoted at all policy levels.

The application involves a wind turbine of 0.5MW and is therefore classed as a small scale turbine in policy terms, being a "sub local authority" scale of development, at under 5MW, within PPW. This scale of development is not required, within PPW, nor TAN 8 to be sited within the boundary of SSA F. Para 12.9.9 of PPW advises that such "renewable energy projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated." Paragraph 12.10 of PPW sets out the key matters to be taken into account in determining applications for renewable and low carbon energy development.

Whilst TAN 8 states in Para 2.2 that "large scale (over 25MW) onshore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSA's)", guidance is also provided for the development of smaller wind developments outside of these areas. In particular paragraph 2.12 states that "The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW)." However, TAN 8 also identifies the need for authorities to consider the cumulative impact of small schemes in areas outside of the SSAs and the need to strike a balance between "the desirability of renewable energy and landscape protection" (2.13).

Policy AW12 of the LDP permits small scale wind turbine proposals subject to a number of criteria against which such proposals will be evaluated.

It is concluded that this is a small scale wind turbine and there is national and local planning policy support for the principle of this proposal, subject to the assessment of a criteria, which includes; the contribution a proposal will play in meeting identified targets and potential for renewable energy; the impact on the landscape, natural heritage and the Historic Environment; the need to minimise impacts on local communities; and effects on the transportation network. There is therefore no objection in principle to the proposed wind turbine, subject to the other material planning considerations being satisfied.

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

Regarding this main issue Policy AW12 of the LDP, which deals with renewable energy development, states that small scale wind turbines will be permitted where it can be demonstrated that there would be no unacceptable effect on, amongst other matters, landscape importance.

Given the location of the site (which is detailed in full under the ‘Site Appraisal’, it is considered that the main landscape and visual effects of the proposal relate to the following matters:-

- The effects on the character and appearance of the surrounding landscape (Landscape Effects).
- The effects on residents, especially those located on Hirwaun Road and the village settlement of Rhigos (Visual Effects).
- The effects on users of public footpaths,
- The individual and cumulative effects of the proposed wind turbine.

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

The landscape and visual material submitted to accompany the application includes a Zone of Theoretical Visibility models (ZTV), LANDMAP extracts and assessment, a visual assessment and photomontages from 11 key viewpoints, with associated assessments. An update to the original LVIA also included an assessment of the cumulative effects of the proposed development.

Having assessed the documents, it is considered that the revised LVIA, which accompanies the application, provides sufficient information and an adequate assessment upon which to base a decision on the acceptability of the proposed wind turbine.

Landscape Effects

In terms of effect on landscape character, a summary of the effects stated in the Landscape and Visual Assessment (Addendum Appendix 3 of LVIA) is as follows:

<i>Summary of revised Aspect Landscape Planning landscape assessment</i>					
<i>Aspect/area</i>	<i>LANDMAP value</i>	<i>Sensitivity</i>	<i>Magnitude of effect</i>	<i>Positive, neutral or</i>	<i>Significance</i>

				<i>negative effect</i>	
<b>Aspect areas in which the proposal is located</b>					
<i>Geological landscape- Rhigos area CynonGL028</i>	<i>Outstanding</i>	<i>Very High</i>	<i>Low</i>	<i>Neutral</i>	<i>Moderate</i>
<i>Historic landscape - Tower Colliery CynonHL183</i>	<i>High</i>	<i>High</i>	<i>Medium</i>	<i>Neutral</i>	<i>Moderate</i>
<i>Landscape habitats CynonLH053</i>	<i>Low</i>	<i>Low</i>	<i>High in localised areas</i>	<i>Adverse</i>	<i>Moderate/minor</i>
<i>Cultural landscape- Rhigos CynonCL041</i>	<i>High</i>	<i>High</i>	<i>Medium</i>	<i>Neutral</i>	<i>Moderate</i>
<i>Visual and sensory- opencast CynonVS368</i>	<i>Low</i>	<i>Low</i>	<i>High</i>	<i>Neutral</i>	<i>Moderate/minor</i>
<b>Aspect areas adjacent</b>					
<i>Visual and sensory- Hirwaun Common CynonVS430</i>	<i>High</i>	<i>High</i>	<i>Medium</i>	<i>Neutral</i>	<i>Moderate</i>
<i>Visual and sensory-Penderyn CynonVS833</i>	<i>Moderate</i>	<i>Medium</i>	<i>Medium</i>	<i>Neutral</i>	<i>Moderate/minor</i>
<i>Visual and sensory-St Gwynno CynonVS580</i>	<i>Moderate</i>	<i>Medium</i>	<i>Medium</i>	<i>Neutral</i>	<i>Moderate/minor</i>

It is first noted that the direct effect of the proposal on the immediate site landscape confirms that no trees or hedgerows are to be affected by the development, and an existing access track would be utilised. In this regard, the proposal appears reasonable. Furthermore, as set out above, none of the landscape effects identified



are considered by the LVIA to be significant. These effects are considered in greater detail below:

The geological aspect area's outstanding value is due to the dramatic glacial landform of the cwm and scarp slope to the south. The LVIA states that this is not directly affected and neither is its appreciation adversely affected. The proposed turbine would be 700m away from the nearest scarp slope in the Special Landscape Area (SLA) and does not interfere with key views towards Craig y Llyn which is 2.4km away.

The historic landscape aspect's high value is a result of the 19th and 20th century industrial activities within the landscape, although many of these have been removed by relatively recent restoration/reclamation around the site and its environs. The proposal is located away from the Tower No.4 colliery and would sit comfortably alongside historic industrial land uses. The reclaimed farmland, in which the proposal lies, is successful as appearing as traditional farmland to the casual glance. It is acknowledged that the turbine therefore, is a large object which is not in character with these apparently rural direct environs. However, other features slightly further away, such as Tower colliery buildings and the Hirwaun industrial estate, would not be incompatible.

The cultural landscape aspect area's high value is stated as being related to views from the viewpoint at Craig y Llyn. The LANDMAP aspect description states that from this viewpoint 'can be seen a microcosm of the cultural influences of the study area – man-made reservoirs, roads, prehistoric remains, colliery workings, relict quarries and small industrial workings, and forestry.' The LVIA states that the proposal would demonstrate the evolution of energy production and the future of this landscape. As the proposal would be set lower than the viewpoint it will not break the skyline. Whilst it is accepted that it would form a conspicuous new component within the landscape, it is stated that it will not be prominent or dominate the view.

The visual and sensory aspect area's low value (CYNONVS368) appears to inform the stated sensitivity of low. However, this derives from its characterisation purely as opencast mineral extraction. The LVIA states that the proposed turbine would be a prominent new component in the landscape, but would not adversely affect the character or qualities of the area. However, half the area (in which the proposed turbine would lie) now consists of well implemented reclaimed pasture with a well established field pattern of hedges with clumps of trees. The area also has a relationship with adjacent landscapes as the lower gentle slopes leading to the dramatic scarp slope to the south. Therefore, with regard to this particular aspect, it is considered that the area's susceptibility to wind turbines of this scale may be greater than stated in the LVIA.

With respect to effects upon adjacent aspect areas, it is noted that although Hirwaun Common, abuts the opencast mining to the south, this is a predominantly horizontal activity/use. The 78m turbine at around 250mAOD is a vertical feature reaching 330mAOD. The scarp slope rises around 200m in height to Hirwaun Common, at around 500mAOD. The turbine is therefore less than half the height of the nearest part of the scarp slope. Although this would interfere with, and affect, the perception of the scarp slope, it is at a distance and scale which does not significantly affect its character. Furthermore, the distance from Penderyn means that the character of the area itself is unlikely to be significantly affected.

Overall, the LVIA/addendum concludes that the proposal would not significantly affect the local or wider setting. It is considered that being a new vertical component in a landscape, which is primarily horizontal, there would be an effect on the local visual and sensory aspect area and environs; however, it is judged that the effect on other LANDMAP aspects would not be regarded as significant.

### Visual Effects

In order to assist in the assessment of the visual effects of the proposal, 11 photomontages, taken from key viewpoints are provided as part of the LVIA. These are taken from the following points:

View 1: Junction of Heol y Bryn and Heol Gwranfryn on the eastern side of Rhigos, around 680metres from the turbine.

View 2: Public footpath to the south of the proposed turbine, approximately 470 metres from the site.

View 3: From Rhigos Road, where the footpath meets the road, approximately 520 metres south east of the proposed turbine.

View 4: Junction of Halt road and Rhigos Road, approximately 850 metres north west of the proposed turbine.

View 5: Roundabout on the A465, at the junction with Rhigos Road, looking west.

View 6: At a break in the vegetation that lines the Taff Trail (Sustrans route 46).

View 7: Mayberry Close, looking west across the urban area, along the valley.

View 8: Off the main A465 Heads of the Valleys Road, a key approach to Hirwaun from the east.

View 9: Graig Y Llyn viewpoint, off Rhigos Road, looking north with the Brecon Beacons National Park forming the backdrop to the view.

View 10: Trig point on Moel Penderyn, 3.4km to the north of the proposed turbine, looking south toward Hirwaun Common escarpment and Special Landscape Area.

View 11: From Inter Valley Road.

An assessment of the likely significance of the effect of the proposal upon each of these locations was undertaken with four being considered to result in a major/moderate significance, and the remaining seven being either, moderate, minor, negligible or none.

With respect to viewpoint 1, it is acknowledged that much of the landscape setting is of an 'industrial nature', however it must be noted much of the opencast mining operations cannot be clearly seen as an intervening landform (from this point), with the reclaimed landscape of pastoral fields and vegetation and the backcloth of the scarp slope (which is just out of view) forming attractive elements in the setting. Since, the consented Pen y Cymoedd wind farm would be located on the top of the slope, it is considered that the proposal may have the effect of bringing wind energy down from the plateau top, closer to the settlement.

It is considered that similar effects would result within viewpoint 10, whereby the proposal would have the effect of bringing wind energy down from the plateau top, into the lower valley sides, and closer to the National Park. However, from this viewpoint, the proposed turbine would be clearly separated, and located squarely in the centre of the reclaimed landscape of fields and would not be seen against the scarp slopes. It is also important to note that the consented Enviropark development with stack, would be closer to this viewpoint, along with the existing industrial estate buildings.

Similarly, major/moderate impacts are considered to result from viewpoint 2. Whilst the LVIA assessment acknowledges that the sensitivity of the receptor from this point is likely to be high, the view point does not illustrate the juxtaposition of the turbine with more dramatic landforms in the Brecon Beacons such as Pen y Fan, which would have been apparent if the viewpoint had been selected further east along the path. From this viewpoint, it is considered that the turbine would break the skyline and break up views towards the Park, however, it is unclear how well used this route is.

It is also considered that similar impacts, in terms of breaking the skyline and views towards the Park would occur from viewpoint 3; however, the presence of Hirwaun Industrial Estate and power-lines would also form part of this view.

Therefore, whilst some impacts would clearly result within the four above-mentioned viewpoints, the potential visual impacts within the remaining viewpoints would be of lesser significance.

Whilst it is accepted that the proposed turbine would still be visible within other certain viewpoints, other intervening elements would screen parts of the development (eg. in the case of viewpoint 4). Similarly, it is noted that in certain viewpoints consented turbines at Pen y Cymoedd would be visible on the skyline, so the breaching of this by the current proposal would not be without precedent. Equally, in other cases (eg. viewpoint 9) whilst the turbine would form a feature in the view, it would not interfere with the main features of interest within that view.

### Effects on Residential Amenity

A number of properties are identified as being within a study area, for effects on residential amenity, these are located approximately 800 metres to the west of the proposed turbine on the edge of the settlement of Rhigos village on The Bryn / Heol y Bryn. It is commented that two house's backs/sides face towards the proposal; and it is considered that the proposal is likely to have a significant adverse effect on one of these (a bungalow with full height glass patio doors). However, it is not considered that this impact would be quite sufficient to be regarded as overwhelming. There are mature trees in the back garden of the other house which would screen views in the summer and filter views in the winter. Six other houses would have views from their front elevations, which are considered to be slightly less vulnerable to changes; furthermore, none are considered to undergo overwhelming effects.

Therefore, having assessed the scheme, in this instance, whilst the turbine would be a prominent detractor and would inevitably affect residents in this part of the village, on balance, it is not considered that the threshold test, developed through various planning inquiries, would be breached.

### Cumulative Impact

In order to assist in the assessment of the potential cumulative impacts of the proposal, the submission is supported by a cumulative Zone of Theoretical Visibility ZTV. Whilst this work acknowledges that from certain viewpoints (eg. Viewpoint 10) the proposal would be seen in combination with other turbines, it would appear as a separate entity to the other developments, ensuring that it does not appear over prominent or at odds with these schemes. The cumulative assessment concludes that overall, whilst the proposal would be seen in combination and in succession with a number of proposed and consented schemes, because the proposal represents a

single turbine that would be lower down in the valley, this ensures that any perceived effects are minimised and their presence is fleeting.

Having assessed this work, it is acknowledged that, as mentioned previously, the siting of the turbine, in relation to consented schemes such as Pen y Cymoedd, that occupy plateau edge positions, would inevitably have the effect of bringing wind energy down to lower levels. Furthermore, the addition of another turbine within the landscape would inevitably increase the cumulative magnitude of effect; however it is acknowledged that the major contributor to the overall landscape change will be the consented Pen y Cymoedd, not the proposal.

#### Landscape and Visual Impact: Summary of key issues and conclusions.

Having assessed the documents, it is considered that the complete LVIA, which accompanies the application, is considered to provide sufficient information and an adequate assessment upon which to base a decision on the acceptability of the proposed wind turbine. In summary, the key landscape and visual issues are as follows:

On the negative side:

- The turbine lies at a lower level than the consented windfarm at Pen y Cymoedd on the plateau top, thereby appearing as a related, but isolated development in a slightly incongruous position. In colloquial terms, it would appear as a 'lost sheep' in a landscape which is separate from that allocated as the main focus for wind energy development.
- There is a significant effect on the local visual and sensory aspect area and environs as it would be a new vertical component the landscape, which is primarily horizontal in character. However, the effect on other LANDMAP aspects are accepted as not being significant.
- The greatest effects appear to be on a relatively small number of residents living in houses on the south eastern edge of Rhigos who would have clear views to the proposal in an otherwise unspoilt skyline. There is a significant individual effect due to the proximity and directness of views from at least six houses. There is also an additional and combined cumulative effect on these properties when considered with the consented Pen y Cymoedd turbines on the ridge.

- The turbine would be seen in juxtaposition with views to the National Park from a local footpath to the south, however the amount which this route is used is not clear.
- The turbine would be visible against the dramatic scarp slopes of Hirwaun Common SLA, from the National Park and other points.
- The opencast extraction to the east is mentioned as an existing detractor, partly justifying the development as cleaner energy development and smaller in scale. However, this use is only temporary. The extraction is intended to last 7 years from 2012, and the restoration for a further 5 years. Therefore the proposal would be seen in juxtaposition with this from the National Park for only around 10 years i.e. approximately half its life.

In mitigation-

- The proposal lies separate from the SLA scarp at 700m and it is of a smaller scale than the slopes. It is also generally contained within the reclaimed valley sides when viewed from the National Park.
- The turbine is a sufficient distance from the National Park so not have a significant adverse effect on it. It is also noted that no objections have been raised to the proposal by the Brecon Beacons National Park.
- Most Rhigos residents would be screened from views towards the turbine by woodland belt, landform and other houses.
- Other wind energy developments and Hirwaun Industrial Estate developments would be present for the life of the turbine.

In summary, whilst it is acknowledged that there would be some significant adverse effects from the proposed turbine, the majority are at the lower end of the significance scale. Intrinsicly it is not desirable to have wind energy development in an area which acts as a buffer between the National Park and the Strategic Search Area, and which is of a different character to the SSA. However, the merits of the individual development have to be explored. As stated above, the turbine would be contained within the reclaimed valley sides, and would be read partially in the context of other wind energy developments and industrial uses. Whilst the adverse visual effects on a small number of residents in Rhigos are undesirable, the majority of residents would be screened from views towards the turbine by woodland belt, landform and other houses. Overall, the potential adverse effects need to be balanced against the benefits of clean energy, and in this case, on balance, it is considered that the benefits outweigh the effects and the proposal complies with the

provisions of Policies AW6 and AW12 of the LDP and Paragraph 12.10.1 of Planning Policy Wales.

## OTHER ISSUES

The following other material considerations have been taken into account in considering the application:

### Residential amenity - Noise Impact and Shadow Light Flicker

The impacts on adjacent residential uses as a result of noise and visual disturbance due to shadow flicker/reflected light also need to be considered. The applicant has submitted a noise report, which has assessed the potential noise impact of the proposed turbine. This includes a prediction of the noise level at the nearest residential properties to the site, based on a wind speed of 4.0 – 12.0m/s and is a worst case scenario as no account is taken of any acoustic screening that may exist by intervening structures or topography. The report provides an assessment of potential impact from a number of key noise sensitive locations, including residential properties at the western fringe of the settlement of Rhigos. The results from the calculations prepared show that the noise limit at each noise sensitive area/ dwelling do not exceed 35dB(A) at all relevant wind speeds.

The Assessment and Rating of Noise from Wind Farms (The ETSU Report 1997) referred to in TAN8 provides indicative noise levels which would provide a reasonable degree of protection to wind farm neighbours. The ETSU Report recommends that predicted noise levels should not exceed 35 dB LA90, 10 m/s at 10m height. It is therefore considered that, in this instance, the proposed wind turbine would result in insignificant noise impact on residential amenity.

The potential for Shadow Light Flicker has also been assessed for the proposed wind turbine. It is generally accepted that only properties within 130 degrees either side of north in the UK would be affected at the proposed latitude of the site, and that shadow flicker assessment should be carried out if there are any residential properties within 10 rotor diameter distance of the proposed wind turbine.

The report states that the rotor diameter of the wind turbine is 56m indicating that shadow flicker could potentially be an issue for any residential property within 560m. The report therefore continues to identify the possible effects of shadow flicker upon four property locations, which are located within 560 metres of the site. This assessment is based on 'worst case scenario' and demonstrates the number of days that shadow flicker may occur and the maximum time that it may occur on those given days. The findings are summarised as follows:

Property Location	Shadow hours per year	Shadow days per year	Maximum shadow hours per day
A (Cottage)	0 hours, 0 minutes	0 days	0 minutes

Hirwaun Road)			
B Bryn (Rhigos)	6 hours, 20 minutes	27 days	20 minutes
C (Ty Draw Farm)	6 hours, 36 minutes	31 days	19 minutes
D (Rhigos)	7 hours, 14 minutes	27 days	20 minutes

Overall, whilst it is accepted that some residential properties may experience some limited incidence of shadow flicker, it is not considered that any significant impacts would result. The worst case scenario indicates that at the location most likely to be affected, the maximum number of hours over the course of a year, where impacts would result would be 7 hours and 14 minutes.

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

Overall, having assessed the scheme and supporting information, the Council's Public Health and Protection Division has raised no objection to the proposed turbine, subject to a number of conditions, which seek to limit noise levels. Therefore, it is considered that, subject to the imposition of appropriate conditions, the turbine is not likely to cause undue noise and disturbance to nearby residential properties.

### **Ecology/agricultural land quality**

An ecological assessment accompanies the application which the Council's Ecologist considers is acceptable and which has included appropriate habitat and species surveys and assessment of the turbine.

The physical area affected by the proposed wind turbine is relatively small, with the access track that serves the site already being in place. The assessment work confirms that the areas affected by the development are improved pastures; as such the direct habitat impact is likely to be very low.

In terms of potential impacts upon bats, the Report identifies that the turbine blade tip distance from the nearest hedgerows (or other features that bats might use) is over 50m (63m) and therefore conforms with a reference to Natural England Technical Information Note on the matter (at present Natural Resources Wales does not have its own guidance, so also support this view). As such, the report concludes that no further bat survey is needed.

The bird survey work, which accompanies the submission, has identified that swallows have a migration route along the northern edge of the coal field. In this case birds will be moving along the northern flank of the upland plateau, before turning south down the Cynon Valley. As significant numbers of swallows were recorded by the bird work, the ecology report concludes that the turbine poses a



moderate risk of collision to swallows. The report concludes that this should not present a significant constraint to development, but recommends that post construction monitoring be undertaken to assess collision numbers once the turbine is constructed. In order to aid in the assessment of this issue, consultation has been undertaken with Natural Resources Wales. Their response comments that they agree with the suggested approach and as such, raise no objections to the proposed development in terms of ecological impacts.

In conclusion, the Council's Ecologist and Natural Resources Wales agree with the findings of the surveys and assessments, in that the proposed development is unlikely to significantly affect the existing habitat or protected species. However, it is recommended that conditions be attached to any permission granted, which would require the submission of a Species and Habitat Protection and Mitigation Plan for Construction, prior to commencement of any works on site and the agreement of a formal process for the reporting incidental bat and bird strikes to the Local Planning Authority.

In terms of agricultural land quality, the wind turbine and associated works and assess would involve a small piece of land within a farm holding on land which appears to be improved pasture. It is therefore considered that there would not be an agricultural constraint to the development.

### **Highway Safety**

The development site is currently served by an existing access track, which connects with Rhigos Road to the far north. The agent has confirmed that the applicant has control over this route and that the existing track would be used to access the site, with no improvements to the track itself being necessary.

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. It is noted that the application is also accompanied by a Transport Management Plan, this confirms that vehicles attending the site would follow a route via the M4 from Swansea, A465 to Hirwaun, A4061 to Rhigos Road and to the site via the above-mentioned access track (which is existing).

A swept path analysis for the route from A465 Hirwaun Roundabout to the existing site access Rhigos Road has been completed in conjunction with the Abnormal Loads Assessment. The swept path analysis indicates that the load will remain within the confines of the highway with no mitigation measures required. At the site entrance, to perform the turn into the site will require use of both carriageway lanes and will oversail the opposite verge. However, as there is no street furniture at this location, the proposal is acceptable. Nevertheless, the developer will be required to complete a dry run prior to any works commencing on site to ensure safe and satisfactory delivery and access of all components can take place.

The design and access statement indicates that the development would generate a total of 22 Heavy Goods Vehicle movements over a 2 month period, which it is considered would have a limited impact on the surrounding highway network. As such, a condition is suggested, which would require the developer to undertake a road condition survey, 25 metres either side of the junction of the existing site access, in order that any damage caused as a result of the development can be identified and rectified at the developers expense, or compensation arrangements agreed.

In terms of visibility, the required standard for a 50Mph road, as set out in Technical Advice Note 18 is 2.4m x 160m. Whilst visibility to the east onto Rhigos Road, is satisfactory, to the west of the junction of the access onto Rhigos Road it will be necessary to undertake trimming of a conifer tree, back to the existing fence line, which in turn will result in a satisfactory visibility splay. Therefore a condition to this effect has also been suggested.

Overall, the comments of the Transportation Section conclude by stating that the proposal is acceptable in highway safety terms, subject to the submission of an expanded Traffic Management Plan being submitted, prior to commencement of works, and a dry run being undertaken. As such, no objections are raised.

### **Cultural Heritage**

In order to aid in the assessment of the proposal in terms of cultural heritage, consultation has been undertaken with Glamorgan Gwent Archaeological Trust (GGAT). Their response identifies that the supporting information, which accompanies the application, includes a Landscape and Visual Impact Assessment, which has looked at the Landmap characterisation for the site; this concludes that the development will not have a severe impact. Furthermore, the Historic Environment Record contains no information on any known features or findspots, or Registered Landscapes that would be affected by the proposal. It is also noted that the 19<sup>th</sup> century OS map editions show that the area was marshland, with the subsequent later editions illustrating industrial uses surrounding. It is therefore unlikely that archaeological features would be disturbed during the course of the proposed development. As such, their response concludes by stating that GGAT have no objections to this application on archaeological grounds.

### **Economic Benefits**

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

considered that it would not affect any future development of a large scale wind turbine within the nearby SSA'F'.

All energy generation would be sold to the National Grid, and it would help in the delivery of renewable energy targets. The applicant has advised there would be no grid connection problems as the connection would take place via underground cable connections to the existing electricity network.

The employment generation of short term jobs from the construction of the wind turbine and its maintenance over the lifetime of the project is recognised and is considered an economic benefit of the scheme.

### **Other Considerations**

Policy AW14 refers to the safeguarding of minerals, stating that in certain locations, mineral resources shall be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction. Whilst this issue is not covered in detail in the supporting documents, the Council's Spatial Planning Section comment that in this instance, this matter does carry great significance, as any coal resources would have been extracted from the site.

In relation to drainage matters, were the application to be otherwise acceptable, a condition requiring the details of the treatment of surface water matters would be imposed in order to assess the potential impact on flood risk matters.

### **Conclusion**

The development represents a small scale wind development that would contribute to the Welsh Government's commitment to optimising renewable energy generation, as set out in Section 12 of PPW. Furthermore, having assessed the impacts of the development on the character/quality of the landscape, the visual amenity from nearby residential areas and potential cumulative impact with existing and proposed wind turbines in the vicinity; on balance, it is considered that the proposed development can reasonably be accommodated within the landscape without significant harm to its character and integrity. In addition to this, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology. Therefore, on balance, it is considered that any harm caused by this development would not outweigh the objectives of both local and national planning policy, which seek to promote development proposals that meet national and local renewable energy targets.

As such, having regard to all the matters raised above, it is recommended that on balance, the application should be approved, subject to the conditions set out below.

**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 permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of the First Export date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include for:

- the removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm;
- confirmation of the management and timing of works;
- a traffic management plan to fully address highway issues during the period of the decommissioning works;
- any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with policies CS1, AW5, AW7, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

3. Operations shall not be commenced until details of the colour and external finish of the turbine and associated structures, 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 in the interests of visual amenity in accordance with Policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

4. The wind turbine shall be of a 3 bladed configuration and not exceed an overall height of 78m to the tip of the turbine blades. The turbine shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with policies AW12, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. In the event that the turbine does not function (i.e. does not supply electricity to the grid) for a continuous period of 12 months and if so instructed by the Local Planning Authority; the wind turbine and its associated ancillary equipment shall be dismantled, and its base removed to a depth of one metre below ground level, and removed from the site within a period of 6 months from the end of that 12 month period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the turbine is not obsolete, produce electricity whilst in situ and is removed from the site if it ceases to function, in accordance with policies CS1, AW5, AW7, AW8, and AW12 of the Rhondda Cynon Taf Local Development Plan.

6. All electricity and control cables between the turbine and the switch room shall be laid underground, unless otherwise agreed in writing with the Local Planning Authority.

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

7. Construction work on the site, excluding the delivery of abnormal loads and actual erection of the wind turbine, shall be confined to the hours of 0700 - 1900 Mondays to Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise impact on the amenities of local residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. The noise immission from the wind turbine shall not exceed a sound

pressure level LAeq,T of 35dB at the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent at wind speeds up to and including 10 m/s at rotor centre height. For the purpose of this condition, curtilage is defined as “the boundary of a lawfully existing domestic garden area”.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. At the request of the Local Planning Authority , the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the Local Planning Authority, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. In the event that the operational turbine subsequently develops an audible tone, then a penalty shall be added to the measured sound levels in accordance with ETSU-R-97. This section applies where no tone has been identified at the assessment stage and no penalty applied. A copy of the assessment, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the Local Planning Authority within 60 days of the notification.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. If the assessment (referred to in condition 10) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1)  $t=4 \cdot D$  seconds) Where  $t$  = measurement time period in seconds (subject to a minimum period of 10 seconds)  $D$  = rotor diameter in metres

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. In the event that an alternative turbine to that contained in the submitted noise assessment (reference) is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall take place until a Species and Habitat Protection and Mitigation Plan for Construction has been submitted and approved in writing by the Local Planning Authority. The plan shall include:

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

All construction activities shall be implemented with the approved details and timing of the plan unless agreed otherwise 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.

14. No development shall take place until the details of the process of reporting incidental bat and bird strikes to the Local Planning Authority has been agreed in writing with the Local Planning Authority. Thereafter, the required reports shall be provided to the Local Planning Authority in accordance with the agreed details.

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

15. No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. Any temporary mitigation measures affecting public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development. The TMP shall include the following:-

- a) Swept Path Analysis (showing full route and mitigation measures);
- b) Component size (width, height, length, weight);
- c) Convoy Length (number of vehicles including emergency services and escorts);
- d) Traffic Management (during transportation of abnormal loads);
- e) Structures (over bridges height, width, weight restrictions);
- f) Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales);
- g) Dry Run (to be witnessed by highway authority and police);
- h) Temporary Traffic Regulation Orders; and
- i) Emergency Contingencies.

The development shall be completed in accordance with the Traffic Management Plan.

Reason: In the interests of highway safety / to ensure safe and satisfactory delivery of all components.

16. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of Rhigos Road 25m either side of the site access (that could be affected by the proposed



development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety.

17. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4 x 160 metre vision splays.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety.

18. In the interests of air safety, the turbine shall be fitted with aviation lighting. The turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of air safety.

19. No development shall take place until full drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The turbine shall not be brought into use until drainage arrangements have been completed in accordance with the approved details.

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

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**APPLICATION NO:** 14/0347/10 (MF)  
**APPLICANT:** Mr J Taylor  
**DEVELOPMENT:** Change of use from club to public house  
**LOCATION:** HOPKINSTOWN CRICKET CLUB, WESTERN FIELD PARK, HOPKINSTOWN ROAD, HOPKINSTOWN, PONTYPRIDD, CF37 2PR

**DATE REGISTERED: 21/05/2014**  
**ELECTORAL DIVISION: Rhondda**

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**RECOMMENDATION: Approve**

**REASONS:**

**The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, its impact upon the amenity and privacy of the neighbouring residential properties, and its impact upon highway safety.**

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### **APPLICATION DETAILS**

Full planning permission is sought for the change of use of Hopkinstown Cricket Club from a private members club (sui generis), to a public house (Class A3).

The application property currently operates as a cricket/football club with associated changing rooms at ground floor level and a separate private gymnasium at first floor level. The application relates solely to the change of use of the ground floor of the building specifically the bar, lounge and two function rooms. It does not seek to make any structural alterations to either the external or internal fabric of the building or its accesses and surrounding areas.

The applicant contends that the changing of the premises from a private members club to a public house will not result in any fundamental change to the type of activities currently undertaken at the site, but will allow residents of the community to be able to enjoy the sports clubs facilities without the need for restrictive membership.

It is proposed that the public house be open between the hours of 11:00 and 23:30 Monday to Friday, 11:00 and 00:30 on Saturdays, and 11:00 and 23:00 on Sundays.

The application is accompanied by the following:

- Access Statement;
- Acoustic Report.

### **SITE APPRAISAL**

The application site comprises a cricket/football club house and associated playing fields. The club house building is located to the southern end of the site with the sports pitches in front. The site is bounded by the River Rhondda to the east and woodland to the west. There are no other buildings in the immediate vicinity of the

site. The nearest residential properties are located over 60 metres away within the settlement of Hopkinstown to the east.

Vehicular access is gained via the lane to the west of the club. There are two further pedestrian accesses, one from Pwllgwaun to the south and one Hopkinstown to the east.

The club house itself is primarily a modern two storey building with a large single storey annex to the south western side. The ground floor is in use as a private members club and changing rooms with a separate gym operating at first floor level. To rear of the building are a large public car park and a children's play area. The site is enclosed on all sides by mature vegetation.

## **PLANNING HISTORY**

Planning applications submitted within the last 10 years include:

08/1655	Hopkinstown Cricket Club Hopkinstown	To convert existing function room into health club/gymnasium and fit showers into existing washrooms	Granted 13/01/09
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. No representations have been received.

## **CONSULTATION**

Transportation Section – no objection.

Land Reclamation and Engineering – no objection.

Public Health and Protection – no objection.

Dwr Cymru Welsh Water – no objection.

## **POLICY CONTEXT**

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

The application site lies outside the defined settlement boundary for Pontypridd, but is not allocated for any specific purpose.

**Policy CS1** – details that in the Southern Strategy Area the emphasis will be on building sustainable growth that benefits Rhondda Cynon Taf as whole.

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

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

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

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

### **National Guidance**

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

PPW Technical Advice Note 18: Transport

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Principle of the Proposed Development**

Full planning permission is sought for the change of use of the ground floor of Hopkinstown Cricket Club from a private members club (Sui Generis) to a public house (Class A3). The applicant has detailed that his intentions are to provide a

more inclusive environment at the site by allowing open access to the community and not just registered members.

It is acknowledged that the application property is located outside of the settlement boundary of Pontypridd and that A3 uses are most appropriately located in town or other centres, however, the property has supported the local cricket and football clubs for many decades and whilst the two uses fall within different planning use classes, it is considered that the way in which both businesses would function is broadly similar.

The proposed change of use does not seek to significantly alter the way in which the existing facility operates or the type of activity undertaken at the site. The key difference between the two uses relates to clientele, with a private members club being open only to registered members and their guests, and a public house being open to the general public. The premises will continue to serve the sports clubs but will also allow open access to all members of the community improving the social and leisure facilities of the surrounding locality whilst also sustaining the long term future of the building.

No policy objections have been raised and the Spatial Planning Team comment that the application site consists of an historic club premises and as such, when considering the compatibility of such a use, due regard should be given to the existing status and function of the application building.

It is subsequently considered that the existing use of the premises as a private members club has generally similar characteristics to the proposed use as a public house and as such, in principle, the development is acceptable, subject to the criteria identified below.

### **Visual Impact**

As identified above, the application relates solely to the change of use of the ground floor of the premises and does not seek to make any physical alterations to either its internal or external fabric, or its surroundings. Subsequently, the visual appearance of the building would remain unaltered following the proposed change of use, having no detrimental impact upon the character and appearance of the application property or the surrounding locality.

### **Residential Amenity**

It is proposed that the premises be open between 11:00 and 23:30 Monday to Friday, 11:00 and 00:30 on Saturdays, and 11:00 and 23:00 on Sundays. Whilst this obviously represents evening and night time trading, it is considered such opening times for the use proposed are not unreasonable, particularly in light of the historic use of the site and the fact that the scheme does not seek to significantly alter the way in which the building will operate.

The Council's Public Health and Protection Division have advised that they have recently received complaints of noise disturbance from entertainment being provided by the club and that they are currently carrying out investigations to see if the complaints are justified. They subsequently requested that an acoustic test be carried out on the property by a qualified independent consultant to assess the suitability of the premises in providing such entertainment and any recommendations that could be implemented. In light of these comments the applicant submitted an acoustic report which concluded that RCT's music noise level requirements could be met at the property providing that the windows and doors of the premises remain closed. As such, the report recommended that a limiter be installed so that the music noise level could be reduced in the event of a door and/or windows being opened. Subsequently the Public Health and Protection Division have no objections to the scheme subject to a condition being added to any consent stating that the recommendations in the acoustic report be implemented prior to the public house use being brought into beneficial use.

Overall, it is not envisaged that there would be any significant increase in problems resulting from the operation of the premises as a public house, compared to those currently experienced and generated at the site. It is also noted that no letters of objection have been received from residents of the surrounding properties following the consultation process. Consequently, the application is considered acceptable in this regard.

### **Highway Safety**

Following consultation, the Council's Transportation Section commented that given there would be no increase in the off-street car parking required or traffic generated by the proposed change of use, no objections are raised or conditions suggested. It is therefore considered that the proposed change of use would not have any adverse impact in regards to pedestrian or highway safety.

### **Other Issues**

It is noted that consultation has been undertaken with the Council's Land Reclamation and Engineering Section and Dwr Cymru/Welsh Water with a view to assessing any potential impacts upon drainage and flooding at the site. Their responses raise no objection to the planning application commenting that the scale and nature of the proposed development presents no concerns or impacts in these regards.

### **Conclusion**

It is not considered that the proposed change of use would significantly alter the way in which the building currently operates. Consequently, the proposal would have no greater impact upon the residential amenity and privacy standards currently enjoyed

by local residents. Furthermore, the development would have no impact upon highway safety. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

**RECOMMENDATION: Grant**

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

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the public house area, (which is open to visiting members of the public) hereby approved shall be restricted to the ground floor of the premises, as illustrated by drawing ref. hdw/ph/hcc.001 dated May 2014.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the public house hereby permitted) shall be operated from the ground floor of the building without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The use hereby permitted shall not operate other than between the hours of:

- 11:00 and 23:30 Monday to Friday
- 11:00 and 00:30 on Saturdays
- 11:00 and 23:00 on Sundays

Reason: To minimise the effects of the development upon the residential amenity of the surrounding neighbours in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No amplified music shall be played from an external source at the premises at any time.

Reason: To minimise the effects of the development upon the residential amenity of the surrounding neighbours in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. A noise limiter shall be installed at the premises to control the music noise level to a maximum level of 104dB LAeq, T, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the public house use hereby permitted being brought into beneficial use.

Reason: To minimise the effects of the development upon the residential amenity of the surrounding neighbours in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The noise limiter shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the effects of the development upon the residential amenity of the surrounding neighbours in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>14/0490/10</b>	<b>(CPU)</b>
<b>APPLICANT:</b>	<b>Mr W Owen</b>	
<b>DEVELOPMENT:</b>	Single storey side and rear extension and install a chair platform lift	
<b>LOCATION:</b>	<b>THE BOARS HEAD, COEDCAE LANE, TALBOT GREEN, PONTYCLUN, CF72 9EZ</b>	
<b>DATE REGISTERED:</b>	<b>02/07/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Llanharry</b>	

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**RECOMMENDATION: Approve**

**REASONS:**

The proposed single storey extension and the associated platform lift are considered to represent an appropriate form of development to an existing public house. The proposed alterations would not adversely impact upon the existing car parking arrangements and are considered to have an acceptable impact upon both highway safety and residential amenity.

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**APPLICATION DETAILS**



Full planning permission is sought for the erection of a single storey extension and an associated platform lift to the rear of the Boars Head Public House. The extension would be located within the south-eastern corner of the pub, adjacent to the side wall of a large two-storey rear annexe. It seeks to provide a lounge area and a disabled toilet facility providing 47 square metres of gross floor space. The extension would be broadly rectangular in shape measuring 8.3 metres in width (at its widest point) by 8 metres in depth. It would have an irregular shaped roof, which would have a maximum height of 3.9 metres falling down to an eaves height of 2.5 metres above ground level. Three windows and an access door would be located within the south-western side elevation and three smaller windows would be positioned within the south-eastern rear elevation of the extension. The external walls would be finished with a smooth render and the roof would be covered with slate tiles and a fibreglass membrane.

The platform lift would be located adjacent to the south-western side elevation of the proposed extension. It would measure 1.15 metres in width by 1.4 metres in depth. It would be enclosed by a 1.1 metre high balustrade and when in use, would provide level access to the proposed lounge area.

The application is accompanied by the following:

- Design and Access Statement;
- Construction Specification Statement;
- Brief Flood Risk Statement.

## **SITE APPRAISAL**

The application site relates to a traditional public house located with a predominately residential area to the southwest of Cambrian Industrial Estate. It is a two storey gabled building of a vernacular style, the front elevation of which is stone clad with windows with finishes and surrounds in a Victorian style. The remaining elevations of the building are rendered. The pub is bound by a narrow lane to the front, the highway leading to the residential estate of Llwyn Onn to the north and neighbouring residential properties to the east and south. The topography of the site and the surrounding area is generally level. However, it should be noted that the internal floor level of the pub is positioned approximately 450mm above ground level. Off road parking is provided to the rear in an area of approximately 500 square metres. An outside seating area is positioned between the south-western side elevation of the pub and the boundary with the nearest residential property known as 'Gwynant'. Number 104 Llwyn Onn is located to the rear of the site beyond the existing car park. There are no residential properties to the front or north of the pub.

## **PLANNING HISTORY**

The most recent and relevant planning history relating to this site is as follows:

06/1332	Proposed toilet block extension with internal modifications and alterations.	Granted 29/08/06
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification.

## **CONSULTATION**

Transportation Section - no objection.

Public Health and Protection - no objection.

Natural Resources Wales (NRW) - no adverse comments received.

Land Reclamation and Engineering - no objection subject to conditions..

Council's Ecologist - no objection.

## **POLICY CONTEXT**

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

The application site is located within the defined settlement boundary and falls within a C2 flood risk zone. The following policies are considered to be relevant to the determination of this application:

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

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

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

### **National Guidance**

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), and Chapter 7 (Economic Development) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 23: Economic Development.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

#### **Principle of the proposed development**

The planning application seeks permission for the extension and alteration of an existing public house. The site is situated within the settlement boundary where the principle of new development is acceptable subject to the considerations set out below.

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

The proposed extension would be located to the rear of the existing pub and is not considered to form an obtrusive or prominent feature. Although it is acknowledged that the design of the extension is not ideal, it would not be visible from the public highway nor would it form a prominent addition from the gardens of neighbouring properties. It would be of a limited scale and height and as such, the proposed extension is not considered to be overly harmful to the character and appearance of the existing building or the surrounding locality. It is also considered that the proposed platform lift by virtue of its very nature and scale, would not be harmful to the visual amenity of the existing building.

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

With regard to the impact on surrounding residential amenity, it is not considered a proposal of the nature, scale and siting proposed would present any adverse issues. The proposed extension and its associated platform lift would face onto the front garden of Gwynant but would be screened by the existing boundary hedge. It would be located in an area which is already used as an outside amenity space and consequently, it is not considered that the proposal would result in an unacceptable

level of noise or disturbance which would be detrimental to the amenities of neighbouring properties. The view from the windows proposed within the south-western side elevation of the proposed extension would also be obscured behind the existing boundary treatments and would not adversely impact upon the privacy of Gwynant. Furthermore, it is noted that there have been no letters of objection or representation received to this application following a statutory consultation exercise with neighbouring properties.

### **Access and highway safety**

Comments received from the Transportation Section raise no objection to the proposed scheme noting that the proposed development would provide better disabled facilities within an existing public house. It is however acknowledged that although the extension itself does not impinge upon the existing car parking layout, the overall proposal seeks to reconfigure the layout of the existing car park to provide 2 disabled parking spaces. Although this would result in the loss of one off road parking space, this level of parking provision is deemed to be sufficient given that the site is situated within a sustainable location. Having regard to this, it is considered that the proposed development would have an acceptable impact on highway safety.

### **Other Issues:**

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

### **Drainage**

The application site is situated adjacent to an existing watercourse and also falls within a Flood Risk Zone C2. At the time of writing this report, there have been no adverse comments received from Natural Resources Wales following a statutory consultation exercise. Nevertheless, the Authority has a duty to consider the localised risk of flooding to both the surrounding area and the potential inhabitants of a building. This application proposes a small extension to an existing public house. It would provide a disabled access and well as a secondary means of escape. Furthermore, it is considered that the additional surface water run-off that would be generated as a result of this development would be minimal. Comments received from the Council's drainage section raise no objection to the proposal subject to a condition requiring a hydrological impact assessment to be submitted prior to the commencement of any development on site. Whilst the comments are noted, the extension is of a limited scale and it is not considered reasonable or necessary to require the submission of such extensive information. A condition requiring details of the proposed means of foul and surface water discharge is considered to be more appropriate to the scale of the development proposed under this application.

## Ecology

The Council's Ecologist has raised no objection to the proposed scheme. The proposed extension would not tie into the main roof of the property and the external spaces are well lit. As such, it is not considered necessary to require a bat survey for this application.

## Conclusion

The proposed single storey extension and the associated platform lift is considered to have an acceptable impact on the character of the existing building and the amenities of neighbouring properties. The proposal is considered to be acceptable in terms of its impact on highway safety and also the impact of the building on the risk of flooding. The proposal is therefore considered to be in compliance with Policies AW5, AW6 and AW10 of the Local Development Plan.

## RECOMMENDATION: Grant

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

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

2. The external materials of the proposed development shall match as near as possible the materials of the existing building.

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

3. 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.

4. The extension shall not be brought into beneficial use until 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.

5. The development shall not be brought into use until space has been laid out

and clearly defined within the site for vehicles to be parked in accordance with the approved plan number PR10330/09 received by the Authority on the 17/04/2014. The approved parking area (s) shall not thereafter be used for any other purpose other than the parking of vehicles.

Reason: In the interest of highway safety.

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**APPLICATION NO:** 14/0573/10 (BJW)  
**APPLICANT:** Ton Pentre & District Recreation Associates  
**DEVELOPMENT:** Upgrade of outdoor play area to a multi-use play area, erection of a 4 metre high boundary fence, 4 no. floodlight posts, creation and extension of car park area. (Amended description 28/05/2014) (amended forms, description and plans received 03/07/2014)  
**LOCATION:** TON PENTRE AND GELLI BOYS CLUB, DINAM PARK, TON PENTRE, PENTRE, CF41 7BH  
**DATE REGISTERED:** 03/07/2014  
**ELECTORAL DIVISION:** Pentre

**RECOMMENDATION:** Approve

**REASONS:**

**The proposed enlarged play area is of a suitable size and appearance that can be accommodated at the site without leading to overdevelopment and would not be detrimental to the amenities of neighbouring properties, the visual amenity of the area or highway safety.**

**APPLICATION DETAILS**

The application seeks consent for the upgrade of the previously approved outdoor play area to a larger, Multi-Use Games Area (MUGA) and the creation and extension of car parking facilities at Ton Pentre and Gelli Boys Club, Dinam Park, Ton Pentre, Pentre, CF41 7BH.

Specifically the proposal would include the following elements:

- A Multi Use Games Area (MUGA) measuring 30m x 22m;
- The field would be a synthetic turf sports pitch;
- The west and south west bankings would be retained by gabion wall structures with a maximum height of 1.5m;

- 4m high, Twinbar fencing to the MUGA. This would include a mixture of super sports rebound mesh at play level and standard mesh above;
- 4 no. 8m high hinged floodlight columns with 1 kW metal halide flat glass luminaires providing 120 Lux illumination, with filters fitted to the rear support on both lights backing onto 1 Nicholas Court;
- 100mm goal netting over the east and west ends of the fence for a ball stop;
- Parking area for 5 no. cars at the front of the boys club (onto Dinam Park) including a dropped kerb;
- 1 no. disabled parking space on the eastern boundary of the proposed MUGA including a drop kerb.

The application has been amended due to comments from neighbouring properties and concerns raised by the case officer. These amendments have included the increase in height of the boundary fence from 3m to 4m; the repositioning of the MUGA 3m from the fence line of 1 Nicholas Court; the installation of ballstop nets and the reduction in height of the floodlight columns.

The Design and Access Statement (DAS) states that the proposal would provide only a small increase in play area from the previously approved 511 square metres to 666 square metres (155 square metres additional area) and 136 square metres of additional car parking area. The principle of the application is to provide an all-weather, outdoor play area to accompany the existing building, focusing primarily on football, although other sports can be accommodated. The pitch would be fenced and take up the area to the front of the club while the parking area would be located to the rear of the site.

Additional information has also been provided of the number of hours per day and total amount of time that the lighting columns would be required for use on an annual basis. A plan of Lux levels from the proposed lighting columns has also been provided.

The usage time requested for the MUGA would be as per the previous planning consent (reference number 12/1039/10). These are:

Monday to Friday	10am – 8 pm
Saturday and Sunday	10am – 2pm

## **SITE APPRAISAL**

The site consists of a boys club building which backs onto Dinam Park, a banked area to the east of the site bounded by an unnamed road, a grassed area to the south of the site while the western boundary is immediately adjacent to 1 Nicholas Court.

The site is located surrounded by residential streets in the area and the character and appearance of the area is residential.

The boys club is a single storey building which is set above the level of properties to the north on Dinam Park and at a similar level to properties on the western boundary of Nicholas Court.

The site slopes up from Dinam Park in the north to the area of ground to the south of the club building, which is immediately adjacent to private garages on the eastern boundary and at the end of Co-operative Street.

## PLANNING HISTORY

12/1039	Ton Pentre and Gelli boys club, Dinam Park, Ton Pentre, Pentre	Proposed upgrade of dilapidated outdoor play area to an all weather play area including the erection of a 4m high boundary fence and provision of a car park also minor alteration to southern and eastern elevations of building.	Granted 08/01/13
11/5517	Land adjacent to Ton & Gelli boys and girls club	Erection of 1 residential dwelling	Raise Objections 28/07/11
01/6295	Ton Pentre and Gelli boys club, Dinam Park, Ton Pentre, Pentre	Informal Enquiry for re-roofing of main hall area - replace tiles with new box profile sheeting	PNR 04/09/01
93/0124	Adjacent Ton Pentre and Gelli Boys and Girls Club, Dinam Park Avenue, Ton Pentre	9 dwellings	Conditions 01/09/93

## PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. These properties were re-consulted due to the alterations made by the applicant. Six responses were received and the issues raised are detailed below:

1. All on site trees have been removed and not cut back as previously stated and Dinam Park residents no longer have a natural screen between them and the potential noise and light pollution that will be created by the development.
2. The area proposed is being more than doubled in size and includes floodlights. The floodlights would be detrimental to the visual amenities



currently enjoyed by neighbouring residents, as they would not integrate into the residential area and would cause significant light pollution, given their very close proximity to properties.

3. Were permission granted, could retractable floodlights of a lesser Lux illumination be recommended and, due to the removal of the natural tree screen along Dinam Park, could a recommendation also be made to re-plant suitable evergreen trees to act as a buffer to the inevitable light and noise pollution in order to reduce the impact of the development on residents?
4. The new car parking area on the northern boundary would replace a pleasant green aspect with a stark concrete and tarmacadam one.
5. Car park areas often encourage youths to park up and congregate of an evening, this could result in a loss of privacy, as the proposed car park would overlook residents' living rooms and cause noise problems associated with door slamming, engine revving and music playing.
6. The fire exits and their access steps are also level with bedrooms and bathrooms. The removal of the remaining off-site greenery could again result in a loss of privacy if youths gather and sit on the steps of an evening.
7. Could a recommendation be made, therefore, to install CCTV and use retractable bollards across the entrance to the proposed car park to reduce nuisance behaviour outside the hours of use?
8. As the Boys and Girls Club is now to be used as a Community Centre, "developing links with other community clubs and schools", this will obviously result in a considerable increase in activity and traffic. This will only exacerbate current parking problems in the immediate vicinity, possibly resulting in inadequate provision for residents. A more suitable location for the car park would be the large area of wasteland next to the proposed multi-use area, which could easily accommodate the increased number of vehicles visiting the site.
9. Dinam Park also has a narrow carriageway. Any short-term parking on the pavement adjacent to the proposed car park area would block access to the estate for emergency service vehicles, which is obviously of major concern to residents. Could a recommendation be made, therefore, to paint double yellow lines on that side of the road to improve road traffic and pedestrian safety?
10. The 2m wide footpath between Dinam Park Avenue and the entrance to the site no longer appears on the most recent Proposed Site Plan, despite a hedgerow having been recently removed to presumably accommodate the footway. This has obvious implications for the safety of users, especially children, when walking to and from the main entrance of the site, as the narrow access road is a bus route.
11. The increased usage of the facility is of concern to residents.
12. There are discrepancies between plans and associated details.
13. The positioning of 4 x floodlights at each corner of the proposed play area will cause significant visual intrusion throughout the year despite the fact that they will be unused for 23 weeks of the year (source: applicant's documentation). While in use, the light emitted from the 4 x floodlights will have a significant

impact on us, as at least three, if not all four, of them will be visible from our home, causing excessive light pollution and glare. From a road safety perspective, they will also cause varying amounts of glare to drivers of vehicles.

14. The parking provision is insufficient for the wider community use that the applicant intends to put the club to.
15. In general there is going to be the breach of peace and tranquillity currently enjoyed on the site with an increase in nuisance by way of noise, floodlights and rubbish and will therefore have a significant impact upon the amenity of the site and causing obstructions of the highway and driveways and risk of highway safety.

## **CONSULTATION**

Transportation Section – no objection subject to a condition for additional parking facilities at the site; a continuous pedestrian link; vehicular footway crossings; the moving of lampposts and street name plates; details of wheel washing facilities and a restriction of HGV movements.

Land Reclamation and Engineering (Drainage) – no objection, subject to conditions relating to hydrological impact and drainage matters.

Public Health and Protection Division – no objection subject to the hours of operation of the lights being restricted to those advised in the planning consent.

Education and Children’s Services – no response received.

Environmental Services (Leisure) – no response received.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary of Ton Pentre and is unallocated.

**Policy AW2** - supports development in sustainable locations and includes sites that are within the defined settlement boundary and would not unacceptably conflict with surrounding uses. They should also have good accessibility and access and should be outside C2 flood zones.

**Policy AW5** - lists amenity and accessibility criteria that will be supported in new development proposals, including; the scale and form of the development would have no unacceptable effect on the character and appearance of the site and surrounding area, there should be no significant impact on the amenities of neighbouring occupiers and the development should be compatible with other uses in the locality.

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

**Policy AW10** – states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including light pollution.

### **National Guidance**

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

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 11 (tourism, sport and recreation)

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

#### **Main issues:**

#### **Principle of the proposed development**

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

The use of the site for leisure purposes, related to the boys club have been established by the previous consent at the site. Similarly, it is considered that the principle of the current proposal would be acceptable. However, the increase in scale of the proposed games area and the pedestrian and parking arrangements have been altered from the previous consent. While these arrangements are considered to be acceptable in principle their impact on the amenity of neighbouring

properties and highway safety, compared to the previous approval, will be key to determining the overall acceptability of the proposal.

### **Impact on neighbouring properties**

The development is located within a residential area and in close proximity to properties in adjoining residential streets. Therefore, it is clear that there is potential for the development to affect the amenity of neighbouring properties due to increased levels of noise and disturbance as well as light emissions from the proposed floodlights.

In this regard, it is considered that the increase of size of the playing area, or MUGA, could be accommodated at the site without leading to overdevelopment. The MUGA has been repositioned so that it would be 3 metres from the boundary fence of the nearest neighbouring property, 1 Nicholas Place, and the lighting columns have been reduced in height and cowling has been introduced that would reduce light spillage to this and other properties.

Additionally, increased parking facilities have been proposed as well as netting to prevent balls from being kicked into nearby areas.

It is considered that the installation of a larger play area is likely lead to a greater use of the site by the wider community than is currently the case. However, it is considered that the activities could be successfully and acceptably accommodated at the site without detriment to existing neighbours amenity. The height of the lighting columns have been reduced and light levels to properties outside the pitch area are not considered to be unacceptable.

Neighbours concerns over the loss of existing vegetation that previously screened the building are acknowledged however, none of the clearance that has been undertaken has required consent and the building has been at this location longer than many of the houses that have come to surround it.

In terms of the use of the parking areas outside of the operation of the premises and the potential for antisocial behaviour around such uses, the car parking areas could be secured by retractable bollards when the premises is closed as has been suggested by some respondents.

Consequently, it is considered that the application is acceptable in this regard.

### **Impact on the visual amenity of the area**

The proposed MUGA and associated car park can be satisfactorily integrated within the existing site without leading to overdevelopment and loss of visual amenity. It is considered that the increase in the size of the MUGA would not have an additionally

adverse impact on the visual amenity of the surrounding area than the previously approved play area.

The lighting columns have been reduced in height to 8m and cowling is proposed that would direct the light onto the pitch and minimise ambient light levels to acceptable levels.

It is acknowledged that the parking arrangements are proposed to be moved to the north of the site, facing Dinam Park, and that much of the existing trees and shrubs have been cleared from the site however as indicated above, no consent was required for the removal of the existing foliage at the site.

Screening could be added to soften the appearance of the property however, the majority of the development is to the south of the boys club and would be screened by the existing building. Any screening that could be added would be to the north boundary with Dinam Park and the eastern boundary onto the unnamed lane. It is considered that a landscaping condition can secure a suitable solution that would provide both screening and softening to the building that would address the concerns of neighbours.

Therefore, it is considered that the proposal is acceptable in this respect.

### **Highway safety**

The Transportation Section has raised no objection to the application subject to a comprehensive list of conditions. The conditions relate to additional parking facilities; a continuous pedestrian link; vehicular footway crossings; the moving of lampposts and street name plates; details of wheel washing facilities and a restriction of HGV movements.

These comments acknowledge the built-up, residential nature of the surrounding streets and potential areas of conflict that could arise however no highway objection has been raised. This is subject to additional parking spaces, which would increase the total number of spaces to ten at the site, being provided by way of a condition. These spaces would form a further extended parking area at the rear of the site adjacent to Dinam Park. Having regard to the alteration that this would create in the layout at the site, it is considered that this would be acceptable in terms of highway safety considerations as well as the impact on neighbouring properties and the visual amenity of the area.

The comments of the neighbouring properties regarding the use of the parking areas outside of the operation of the premises are acknowledged. A lockable bollard to restrict the use of these areas for those associated with the boys club would be a feasible solution and has been suggested by respondents. However, it should also be acknowledged that antisocial behaviour around these areas, not associated with the premises would be a Police matter.

### **Other issues raised by neighbouring properties**

The area has increased but has not doubled in size and despite the increased size the proposal can still be accommodated on the site. Some screening can be sought by a landscaping condition to lessen the potential impact of the parking areas.

The potential for wider community use is acknowledged and has resulted in increased parking areas being required, by condition, from the Transportation Section which can be satisfactorily accommodated within the site. The highway assessment concludes that the proposal is acceptable, subject to the suggested conditions, and additional controls, such as double yellow lines, would not be required.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, highway safety and the impact on neighbouring properties (Policies AW5, AW6 and AW10).

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plan(s) received by the Local Planning Authority on 03/07/2014.

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

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. 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. 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.

7. 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.

8. Beneficial use of the development hereby permitted shall not be 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.

9. Notwithstanding the submitted plans the development shall not be brought into use until space has been laid out within the site for 10 vehicles to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with 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.

10. The site boundary fronting Dinam Park Avenue shall be set back from the edge of the existing carriageway to provide for a 2.0 metres wide footway / vehicular crossover, 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 implemented to the satisfaction of the Local Planning Authority prior to development being brought into beneficial use.

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

11. Prior to the development being brought into use, a vehicular footway crossing on Dinam Park shall be provided in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

Reason: In the interests of highway and pedestrian safety in accordance with policy AW5 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. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. HGV's used as part of the construction of the development shall be restricted to 09:30am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Prior to the commencement of development details of retractable bollards to the proposed parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained in perpetuity and the parking areas shall only be available for use when the premises are open.

Reason: To ensure define the scope of the permission and in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. The lighting hereby approved shall only be illuminated when the Multi-Use Games Area (MUGA) is in use and in accordance with the submitted lighting scheme 08/07/2014 (entitled: Annual Hours of Flood light usage).

Reason: To prevent light pollution and protect the character and appearance of the surrounding area in accordance with policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 14/1053/10 (DJB)  
**APPLICANT:** TXM Plant Ltd  
**DEVELOPMENT:** New plant depot comprising of industrial workshop and offices with new access to highway  
**LOCATION:** LAND NORTH EAST OF SIGMA 3 KITCHENS UNIT, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONTYCLUN, CF72 8LF  
**DATE REGISTERED:** 07/08/2014

## **ELECTORAL DIVISION: Town (Llantrisant)**

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### **RECOMMENDATION: Approve**

#### **REASONS:**

**The application site lies within the established Llantrisant Business Park, comprising a currently unused piece of land to the north east of the Sigma 3 Kitchens unit, towards the eastern end of the business park. The proposal represents a suitable use within the business park environment and the proposed building is considered to be of an appropriate scale and design.**

**The proposal represents the re-location into the County Borough of a niche rail industry plant provider. Together with the associated financial investment within the County Borough the proposal will secure existing jobs with the potential to create in excess of 50 new jobs, along with a significant number of apprenticeships and training posts for the local and wider Welsh economy.**

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#### **APPLICATION DETAILS**

Full planning permission is sought for the creation of a new plant depot (a sui generis use) for the storage and repair/servicing of heavy rail plant machinery. In addition the application proposes the erection of a new site building comprising a 3 bay workshop and associated site office and training facilities.

The applicant's TXM Plant Ltd offer the UK's largest fleet of operated rail plant for hire, having a number of depots nationwide, more than 275 machines, 900 attachments and a team of highly skilled and experienced staff. Within this area the company currently operates out of a facility in Cwmbran. However, the lease for that site is due to expire shortly and accordingly the company wishes to relocate to this site on Llantrisant Business Park.

The site lies to the north east of the Sigma 3 Kitchens Unit, towards the eastern side of the business park. It is proposed to create a new separate vehicular access to serve the TXM Plant site at the end of the existing highway access road.

The new workshop/office building will be two storey in height, with a ridge height of 7.7m. The front of the building will face towards into the site (to the north west) and will contain two separate roller shutter doors for the workshop area and an access door and first and second floor windows for the office accommodation. The building has a footprint of 15m x 30m (450sq.m.).

Along the north eastern boundary of the site it is proposed to build two parallel lengths (one 50m and one 70m) of railway track. The longer of which will access Bay

1 of the workshop element of the site building. The creation of this length of railway track will enable TXM to properly train their staff and help in their desire to establish a rail training academy. It is hoped to be able to train in excess of 900 people per annum, to help fulfil the current and predicted skills shortage in the rail sector over the coming years as a result of recent and future developments in the rail sector. The second shorter length of track will in effect act as a storage track for plant that has been or is awaiting service.

Floodlighting is proposed along the boundary adjacent to the rail tracks and it is proposed that 2.5m security fencing is erected around the perimeter of the site.

## **SITE APPRAISAL**

The 0.34ha site is within the historically established Llantrisant Business Park and is surrounded on all sides by existing industrial/commercial buildings and their surrounding service/access or parking areas.

The application site has historically been within the Sigma 3 Kitchens site, lying to the north east end of that site. The site 'plateau' which comprises a concrete hard surfaced area, stands approximately 4-5m above the service/parking area to the side/rear of the Sigma 3 Kitchens building some 100m to the south west. It is understood that the site was originally a parking area, but clearly has been unused for some time. It was apparent from your officer's site visit that there had relatively recently been vegetation clearance from the site boundaries.

At the moment this site is accessed, through gates, from within the main Sigma 3 Kitchens site. However, the application proposes the creation of a new access directly from the end of the unnamed access road that has a junction with Heol-y-Sarn approximately 200m to the south west.

## **PLANNING HISTORY**

86/0759	Installation of furnaces and sizing equipment	Approved 08/09/86
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## **PUBLICITY**

The application has been publicised by means of individual letters and site notices. At the time of preparing this report no responses have been received.

## **CONSULTATION**

Transportation Section – no objections, subject to the imposition of conditions

RCT Regeneration Business Support Team – support the application as inward investment and recognise the importance of the development of training facilities,

related to UK Government's railways electrification scheme, within Rhondda Cynon Taf. The planning application indicates that up to 29 employees will be based on the site with the potential for further job creation in the future. The project will also bring vacant employment land back into use.

Public Health & Protection – no objection, subject to the imposition restricting hours of working during the construction phase of the development.

Land Reclamation & Engineering (Drainage) – reply awaited.

Countryside/Ecology Section – no objections, subject to the recommendations with the submitted report being undertaken.

National Resources Wales – no comments to make.

Welsh Water – no objection raised, subject to imposition of a condition.

Wales & West Utilities (Gas Undertaker) – no objections to the proposals. The developer is requested to contact W&WU directly prior to works commencing to ensure no apparatus are at risk during construction.

Fire Service – reply awaited.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan (LDP)**

The site is within Llantrisant Business Park which is within defined settlement limits.

**Policy SSA13** - permits development within settlement boundaries, subject to criteria

**Policy AW2** – promotes development in sustainable locations

**Policy AW5** – sets out amenity and accessibility criteria for new development

**Policy AW6** – gives design criteria for new development

**Policy AW11** – gives criteria for the consideration of proposals for employment sites

### **Supplementary Planning Guidance (SPG)**

Design & Placemaking

Delivering Design & Placemaking: Access, Circulation and Parking Requirements

Nature Conservation

### **Planning Policy Wales (7<sup>th</sup> Edition, July 2014)**

Chapter 7 – Economic Development

- 7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.
- 7.1.4 .....local planning authorities should aim to steer economic development to the most appropriate locations.
- 7.2.2 Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision making process.
- 7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development.

### **Welsh Government Technical Advice Notes (TANs)**

TAN12: Design (July 2014)

TAN23: Economic Development (February 2014)

### **REASONS FOR REACHING RECOMMENDATION**

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

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

#### The Principle of the Proposed Development

Whilst the proposed Plant Depot use is a 'sui generis' use it is considered that it to a large extent exhibits the characteristics of a B1/B2/B8 development. Accordingly, it is considered that an established Business/Industrial Park is the best location for such a use.

Llantrisant Business Park is not specifically identified for any particular use within the LDP. However, it is considered to represent a long established employment site. It is not considered that the proposed development would prejudice any adjoining employment land and the application in fact brings into a beneficial employment generating use an area of currently under utilised land within the business park.

The principle of the use is considered acceptable and in accordance with the policies of the LDP and Welsh Government policy and advice which both seek to enable and support economic development.

#### Highway/Transportation/Parking Issues

The elevated plateau, which comprises the bulk of the defined application site can currently only be accessed through the Sigma 3 Kitchens site. The application includes the proposed provision of a separate access to the south eastern site boundary, giving direct access to the site from the unnamed estate road, which provides access to/from Heol-y-Sarn, the main road going through the Llantrisant Business Park.

The width of the estate access road at the point of the proposed new access is 7.5m, with a 2.1m footpath on the opposite side. There are no parking restrictions. The proposed new access represents a non-standard junction. However, given that the access point is in effect at the end of the estate access road the proposal is considered, on balance, to be acceptable.

Within the site the access is narrowed by the presence of a footpath, providing a pedestrian access to the workshop/office/training building. The Transportation Section would require the access to be a minimum of 6.1m (which would allow to large vehicles to pass) and therefore a condition is recommended which requires a further revised detail to be submitted and agreed in this respect, prior to works commencing.

There is no footpath provision on the development side of the estate access road and the need for pedestrians to cross the road in close proximity to two junctions is considered to be detrimental to pedestrian safety. Accordingly, the Transportation Section suggest that a condition is imposed requiring the provision of a footpath along the site frontage to the estate access road.

The application includes a Swept Path Analysis Plan, which confirms that large low loader HGV vehicles, with an overall length of 16.6m would be able to access/egress the site with the proposed access arrangements. There is ample room within the site to allows vehicles of such a size to turn. The Council's Transportation Section have accepted that this confirms adequate access can be achieved.

The proposed site layout plan indicates the provision of 14no. (2.4m x 4.8m) laid out parking spaces within the site. The Transportation Section have indicated that the parking requirements for the office/training element would be up to a maximum of 20no. spaces, with the workshop element requiring a maximum of 6no. spaces. It is considered that there is room within the site for additional parking and therefore a condition is suggested requiring a parking layout which shows the provision of 20 parking spaces (with a minimum width of 2.6m, to allow for van parking) within the site.

### Design and Site Layout Considerations

The main part of the site will be a hard surfaced open area/yard. Adjacent to the south eastern boundary of the site it is proposed to erect the workshop and office/training building.

The two storey building will have an overall footprint size of 15m x 30m and a height to the ridge of 7.7m. The office/training element of the building (over ground and first floor) will occupy the southern half of the building with the workshop (ground floor only, with two storey ceiling height) occupying the northern half. The building will be finished in metal profiled cladding panels. The colour of the panels is yet to be confirmed and so a condition is recommended to require the approval of these prior to works commencing.

The front of the building faces into the site and contains two separate full height roller shutter doors, giving access into the service bays of the workshop. Access into the office/training areas is also via a door in the front of the building. Windows serving the office/training rooms are within the front and south western side elevation. The north eastern side elevation is free from any openings and the rear elevation only contains three emergency/fire access doors. Twenty four rooflights (12 on each roofslope) above the workshop area will provide natural daylight to that area of the building.

The building is of a standard industrial/commercial design and finish which is considered to be appropriate within the context of the surrounding buildings and the wider business park environment.

Within the wider site area the proposed site layout plan notes the presence of a plant wash area, lorry turning area and two lengths (70m and 50m) of rail track. Between these tracks and the north eastern boundary of the site the provision of floodlighting, to enable night working, is proposed. No details of the height, type and illumination of the floodlighting is indicated. Accordingly, a condition is recommended requiring the submission and approval of these details prior to works commencing on the site.

The perimeter of the site is to be surrounded by a 2.5m high security fence and along the south western boundary, which marks the point at which the site falls to the lower level at the side/rear of the Sigma 3 Kitchens site it is proposed to construct a gabion retaining wall. Full details of both boundary treatments will be required and it is recommended that a condition be attached in this respect.

### Ecological Considerations

The boundaries of the site have largely been cleared of trees and vegetation of any significance. One tree (an Ash) however, remains in a position in close proximity to the northern rear corner of the proposed workshop and office/training building. Whilst not a particularly good specimen the applicant was advised (at the pre-application stage) to ensure that the tree was surveyed in order to ascertain the potential for roosting bats.

As part of the application submission a Survey of Tree for Use by Roosting Bats Report (prepared by Acer Ecology) has been included. The report confirms that there was no evidence of bat roosting found during the survey and offers the opinion that the tree offers little value to roosting bats and as having negligible potential to support a maternity colony of bats.

The Council's Ecologist has considered the report and has raised no objection to the report subject to the Recommendations contained therein being undertaken.

The report does suggest that consideration be given to the incorporation of integral bat and bat boxes within the fabric of the proposed building. This could be done at very little cost and provide much needed roosting/nesting opportunities. In the interests of ecology and biodiversity it is therefore suggested that a condition be attached requiring that the building incorporate the provision of suitable bird and bat boxes, the details of which shall be first agreed with the Council's Ecologist.

#### Other Issues

##### Drainage/Flooding:

No adverse flooding comments have been received from Natural Resources Wales.

In respect of drainage issues the Council's Drainage Officer has highlighted the fact that the applicant has indicated that the intended method of disposing of surface water is to the Mains Sewers. At the time of preparing this report the consultation response from Welsh Water has yet to be received and therefore their agreement on the acceptability of such a method of disposal has yet to be confirmed. Accordingly, at this point in time a condition requiring the agreement of full drainage details is recommended. However, if this issue is clarified prior to the Committee meeting Member's will be advised accordingly orally at the meeting, which may negate the need for this condition.

##### Noise and Amenity:

The application makes it clear that the site will be required to have 24hr access given that the TXM's business can involve, on occasion responding to emergency calls for railway maintenance. The nearest residential property, Glanmychudd Fach lies just over 220m to the north west from the nearest site boundary. It is not considered at this distance that the proposed use of the site will have any significant impact on the occupiers of that property. Further, it should be recognised that many uses within the Llantrisant Business Park operate on a 24/7 basis. These include the Royal Mint complex, which lies immediately to the south of Glanmychudd Fach.

Public Health & Protection have raised no objection to the application, but have recommended the imposition of a condition restricting hours of working during the



construction phase of development. Given the location of the site, as referred to above, it is not considered that such a condition is necessary in this case.

## **PLANNING OBLIGATIONS**

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals. However, it is not considered that in this case that the proposed development generates the need for any planning obligations.

### **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. Notwithstanding the detail shown on the approved plan (14/482/01 rev A - dated 4/8/14) no works shall be undertaken on site until further access (vehicular and pedestrian) and parking details have been submitted and approved in writing by the Local Planning Authority.

These details shall indicate the provision of

- 20no. on site car/van parking spaces, each with a minimum dimension of 2.6m x 4.8m
- a minimum site access width of 6.1m
- the provision of a 2m pedestrian footway and vehicular crossover along the site frontage

The works shall be implemented in accordance with the approved details prior to beneficial occupation of the site. The approved parking areas shall be retained for the purposes of parking of motor vehicles only.

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

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

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

4. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details to be submitted and approved in writing by the Local Planning Authority. The wheel washing facility shall be in operation during the duration of the construction phase of the site development.

Reason: In order to prevent debris and mud from being deposited onto the public highway, in the interests of highway safety.

5. No works shall commence on site until details and design calculations of the vehicular restraint system and retaining walls abutting the highway and site access have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation of the site.

Reason: In the interests of highway safety.

6. Prior to the installation of the 6no. floodlight columns shown on the approved plan (14/482/01 rev A – dated 4/8/14) full details of the type, design, height and type of illumination shall be submitted for the written approval of the Local Planning Authority. The floodlights installed shall be in accordance with the agreed details.

Reason: In order to ensure that the illumination from the proposed floodlights does not impact on the amenity of the wider locality, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to any works commencing on site details shall be submitted to and approved in writing by the Local Planning Authority confirming the positions, design, materials and type of boundary treatment (including the proposed gabion retaining wall structure) to be erected. The boundary treatment shall be completed before first beneficial occupation of the site.

Reason: To ensure that the new development will be 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.

8. Notwithstanding the detail shown on the approved plans (14/482/02 rev A and 14/482/03 rev A – both dated 4/8/14) works shall not commence on the construction of the workshop and office/training building until external wall and roofing cladding panel samples have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the approved building 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.

9. Prior to any work on the construction of the workshop and office/training building commencing on site details shall be submitted for the written approval of the Local Planning Authority confirming the type of and proposed location on the building of 2no. bat boxes and 2no. bird boxes. The bat and bird boxes shall be installed in accordance with the agreed details prior to first beneficial occupation of the building.

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

10. In implementing the development the subject of this permission the applicant/developer shall ensure that the Recommendations of the 'Survey of Tree for Use by Roosting Bats' Report (by Acer Ecology – July 2014) are carried out.

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

11. No development shall commence on site until full drainage details for the site/development have been submitted and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details prior to the first beneficial occupation of the site and/or any buildings thereon.

Reason: To ensure the satisfactory drainage of the site in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 14/1071/10 (CPU)  
**APPLICANT:** Mr Dale Lord  
**DEVELOPMENT:** Demolition of detached garage. Construction of porch, single storey rear extension and two storey side extension.  
**LOCATION:** 26 MILFORD CLOSE, TONTEG, PONTYPRIDD, CF38 1HG  
**DATE REGISTERED:** 08/08/2014  
**ELECTORAL DIVISION:** Tonteg

**RECOMMENDATION: Approve**

**REASONS:**

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

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**APPLICATION DETAILS**

Full planning permission is sought for the demolition of a detached garage and the erection of a porch, a two-storey side extension and a single storey rear extension at 26 Milford Close, Tonteg. The proposed porch would be erected to the front of the existing dwelling. It would measure 2.10 metres in width by 1.5 metres in depth. It would have a hipped roof with a maximum height of 3.4 metres from ground level.

The two-storey extension would extend 2.55 metres beyond the south-western side elevation of the dwelling. It would be flush with the front and rear building line, measuring 7.9 metres in depth. Its pitched roof would tie in with the roof of the existing dwelling, measuring a maximum of 7.4 metres in height from ground level, sloping to 4.9 metres at its eaves. The single storey lean-to extension would slope off the back wall of the extended property. It would measure 8.1 metres in width by 2.57 metres in depth. It would have a maximum height of 3.5 metres from ground level and an eaves height of 3.6 metres. Internally, it is proposed that the extension would provide a study and a utility room on the ground floor, with a bedroom at first floor.

The application is reported to Committee as the applicant's partner is related to Councillor Lyndon Walker.

**SITE APPRAISAL**

The application property relates to a two-storey, semi-detached dwelling situated within the residential area of Tonteg. The property is located along a cul-de-sac and is set back approximately 10 metres from the highway by a small front garden and driveway. It has a small garden to the rear which is enclosed by the neighbouring single storey extension to the north-east and the applicant's existing detached garage. The neighbouring property located immediately to the north-west is stepped approximately 5 metres forward of the application property. It has a ground floor and a first floor window facing the common boundary. The first floor window is located to the front of the application property and thus, overlooks the applicant's front garden rather than the gable end. The ground floor window is set further back and is

screened behind a conifer hedge. The neighbouring property to the rear of the site is slightly offset to the east.

## **PLANNING HISTORY**

There is no relevant planning history that needs to be taken into account in the determination of this application.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification however, no letters of representation have been received.

## **CONSULTATION**

None undertaken with this application.

## **POLICY CONTEXT**

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

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

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

### **National Guidance**

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to

be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

### **Main Issues:**

#### **Principle of the proposed development**

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

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

The proposed two-storey extension would be sited on the side elevation of the property and whilst it would form a visible addition to the property, it would be of an acceptable scale and design. It would not project any further forward than the existing front elevation of the property and would tie in effectively with the existing roof. Furthermore, it would be set back behind the front elevation of the neighbouring property (No.27) and not would appear as a discordant or overly dominant feature within the surrounding street scene. The proposed porch to the front of the property would be of a limited scale and height and is not considered to detract from the overall character of the property. The single storey rear extension would have a sympathetic lean-to roof. It is considered to be of an acceptable scale projecting 2.57 metres beyond the main back wall of the property. All materials proposed would match the existing property and, as such, the proposal is not considered to have a detrimental impact on the character and appearance of the existing dwelling or wider area.

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

With regard to residential amenity, the proposed two-storey side extension would be sited adjacent to the gable end and rear garden of number 27 Milford Close. This property is positioned on a similar ground level and has two windows facing the common boundary. While it is acknowledged that the extension would be sited on common boundary with this property, the neighbour's first floor window is located to the front of the proposed two-storey extension and is not considered to be significantly affected by the proposed development. The ground floor window is screened behind a boundary hedge. A limited amount of overshadowing would be experienced with number 27 being situated to the west of the application site and its rear garden facing a south-easterly direction. There are no windows proposed within the side elevation of the dwelling and as such, it is not considered that the development would adversely impact upon the existing levels of privacy enjoyed by the occupiers of number 27.

The impact of the proposal on the other neighbouring property (Number 25 Milford Close) has also been considered. In this respect, it is noted that the proposed single storey extension would lie adjacent to the neighbour's existing extension and would not be unduly harmful to the amenity of this property. The neighbouring property to the rear of the site is also offset slightly to the east and would not be significantly overlooked from the windows located within the rear of the proposed two-storey or single storey extension. Moreover, it is noted that there have been no letters of objection or representation received from neighbouring properties following the statutory consultation exercise. As such, the proposal is considered to be in accordance with Policies AW5 and AW6 of the Local Development Plan.

### **Access and Parking**

The proposed development would result in the loss of an existing detached garage and an area of drive situated adjacent to the gable end of the application dwelling. Nevertheless, two off road parking spaces would be maintained to the front of the property. This level of parking is therefore considered to be sufficient to serve the size of the extended dwelling.

### **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

### **RECOMMENDATION: Grant**

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

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

2. The external materials of the proposed development shall match as near as possible the materials of the existing.

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

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

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**18 SEPTEMBER 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**