

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
20 AUGUST 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No: 15/0087 - Two storey extension and rear dormer window to existing house (Amended plan and description received 11/05/2015), 115 Queen Street, Treforest, Pontypridd.
2. Application No: 15/0258 - Single storey extension and rear dormer window to existing house, 1 Meadow Street, Treforest, Pontypridd.
3. Application No: 15/0411 - Construction of solar park to include the installation of solar panels to generate approximately up to 4 MW of electricity, with substations, transformers, spare parts container, security fencing, landscaping, grid connection and other associated works, together with the retention of existing grazing and measures to promote biodiversity, agricultural land at Trecastell, Four Fields Centred on Grid Ref 302180, 181585, Llanharry.
4. Application No: 15/0432 - Construction of commercial unit for B1, B2 & B8 usage together with car parking, Unit 5, Navigation Park, Abercynon.
5. Application No: 15/0474 - Residential development of 225 new homes with associated parking and open space. Reserved matters of access, appearance, landscaping, layout and scale sought as part of this submission, land at Parc Eirin, Wilfried Way, Tonyrefail.
6. Application No: 15/0667 - Remove existing 2 no. ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above). The 12 no. portacabin units to be used as additional working floorspace for the Cynon Vale Medical Practice, in conjunction with the existing surgery and retained for a temporary period of no more than 3 years.

(Amended plans received 22 June and 15 July 2015). (Revised description of development 28 July 2015), Cynon Vale Medical Practice, 8 Cardiff Road, Mountain Ash.

7. Application No: 15/0857 - Erection of 77 no. 2, 3 & 4 bedroom properties and all associated works, land at Elms Farm, off Stryd Silurian, Llanharry, Pontyclun.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 15/0087/10 (GW)
APPLICANT: Mr D Gillespie
DEVELOPMENT: Two storey extension and rear dormer window to existing house (Amended plan and description received 11/05/2015).
LOCATION: 115 QUEEN STREET, TREFOREST, PONTYPRIDD, CF37 1RW
DATE REGISTERED: 11/05/2015
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Grant

REASONS:

The extension would be to an existing dwelling and it would be of an acceptable size, scale and design. There would be no detrimental impact on the amenity of neighbouring residents or on the character and appearance of the area.

APPLICATION DETAILS

Originally full planning permission was sought for the conversion of the existing dwelling to a seven bedroom 'House In Multiple Occupation' (HMO) for students including a two storey and part single storey rear extension and dormer extension.

The plans have now been amended to a 'Householder' development for the extensions and the number of bedrooms has been reduced to six. Members should note a dwelling where a maximum of six individuals are living together as a single household does not require a change of use to a House in Multiple Occupation.

This report is therefore on the basis of the 'Householder Application' and responses in relation to the original change of use should not be used as a basis for determination of the application.

The rear extension includes a full width single storey projection with a flat roof. This would measure 4.5m in depth, 5.5m in width and 2.8m in height. A two storey extension, with a hipped roof, would be encompassed within the single storey extension. This would not be full width and would measure 3.4m in depth, 4.4m in width and a maximum of 6.5m in height. The elevations would be finished with a render and the roof would be covered with slate and felt. In addition a rear dormer is proposed. This would be finished with hanging tiles to match the existing roof.

A site plan has been submitted detailing a hardstand area in the garden providing 2no. parking spaces and a cycle stand for up to 8 cycles. This would be accessed via a rear lane.

The application is accompanied by the following:

- Design and Access Statement.

Councillor Powderhill has requested the application is reported to Development Control Committee to assess the impact on the surroundings.

SITE APPRAISAL

The site is a dwelling situated at the end of a long terrace of traditional dwellings on Queen Street and close to the centre of Treforest. A small food store is located adjacent the property (number 116).

The University of South Wales is located approximately 420m away to the south. This part of Queen Street has a one way road system with access being allowed from the north and restricted at the junction with Duke Street. Immediately outside and opposite the property are double yellow lines, which continue to the north around the junctions with Princess Street and New Park Crescent. To the south is restricted parking for a limited period of 2 hours or unrestricted to permit holders.

A lane to the side of number 116 provides access to the rear of the properties. Some of the properties (including those adjacent) have outbuildings adjacent the lane. Possibly due to the narrow width of the lane there are few garages and off-street parking spaces.

PLANNING HISTORY (Relevant to Application)

15/0258	1	Meadow Street, Treforest	Conversion to 8 bedroom student house in multi-occupation with single storey extension and rear dormer.	Pending
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PUBLICITY

Following the amendments to the application, as detailed above in the 'Application Details' section, it has been re-advertised. One letter of objection has been received from Treforest Residents Association who re-iterated their original comments prior to the application being amended. The contents are summarised below:

- Treforest is overwhelmed with student accommodation, and a transient student population.
- Family and affordable housing has been lost on a huge scale in the community, whilst the borough has an urgent need for family and affordable housing.
- As a result, the character and amenity and social structure of the community have been seriously damaged. National and Local planning policy calls for planning authorities to create balanced, sustainable, inclusive and mixed communities.
- There is an excessively large overabundance of student HMOs in Treforest that threatens the very existence of the community.
- A student HMO is certain to cause problems for adjoining properties. This view is based on past evidence with noise, anti social behaviour, and alcohol and drug abuse a frequent problem with HMOs in the area

CONSULTATION

Countryside, Landscape and Ecology - no objection. A bat informative note must be provided on any planning permission.

Dwr Cymru/Welsh Water – no objection subject to drainage conditions.

Land, Reclamation and Engineering - no objection subject to drainage condition.

Police Authority – no objection.

Public Health and Protection – no objection subject to demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – a request for an updated consultation response has been made to take account of the changes made in the application. At the time of writing this report no further comments have been received.

Comments to the application for a change of use to a HIMO are as follows: No objection subject to the provision of a parking area to the rear of the property and that surface water of the parking area shall not run on to the public highway.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 – emphasises sustainable development. It promotes residential development with a sense of place which respects the character and context of Principal Towns and key settlements of the Southern Strategy Area. It aims to protect the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, 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 support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and 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 and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development

must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

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.

Policy SSA13 - permits development within the defined settlement boundaries provided it does not adversely affect the provision of open space and car parking in the surrounding area, the land is not contaminated or subject to land instability and is accessible to local services by a range of modes of sustainable transport, on foot or by cycle.

Supplementary Planning Guidance

- Access Circulation and Parking
- A Design Guide for Householder Development

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), sets 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 11: Noise;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The dwelling is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP). Therefore, it is considered, the

extensions in principle would be acceptable subject to an assessment of the following other material planning considerations.

Impact on residential amenity and privacy

The extensions would be of a size and scale that would not have a significant detrimental impact from overshadowing or overbearing. There would be no significant increase in overlooking that would warrant a refusal reason. It is therefore considered that the development would not have a significant detrimental impact on the amenity of surrounding residents.

Impact on the character and appearance of the area

The proposed rear extension is the main change to the property. Its size and design would be acceptable and as such would not have a significant detrimental impact on the character of the area. With regards the proposed dormer it would be on the rear elevation and would not require planning permission on a dwelling. It is proposed to finish the dormer with tiles that would matching the existing roof tiles.

In conclusion the proposed extensions would be acceptable in terms of their visual impact on the character of the building and surroundings.

Access and highway safety

Members will be aware a 'Householder Application' for extensions does not normally require a consultation response from the Transportation Section. However an updated response has been sought due to the circumstances of the application.

The applicant proposes a hardstand for parking of vehicles and bicycles.

The dwelling is in a sustainable location and there is permit parking on street. Nevertheless, it is considered whilst the additional parking maybe a benefit, it is considered it would help to make the development more acceptable.

Other issues

Objection from Treforest Residents Association

Members will appreciate the objector has submitted the same objection to the original application and to the amended application for just the extensions. As such, whilst some of the points are appreciated, a householder application would not warrant a refusal on the issues they raise.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, the impact on character and appearance and parking (Policies AW2, 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 development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

Drawing No. BXY 3/6 Rev B – Rear and Side Elevations Proposed received 1st April 2015.

Drawing No. BXY 3/3 – Ground Floor Proposed received 21st January 2015.

Drawing No. BXY 3/4 – First Floor Proposed received 21st January 2015.

Drawing No. BXY 3/5 Rev A – Second Floor Proposed received 24th March 2015.

and documents received by the Local Planning Authority on 13th February 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The proposed off-street parking area identified on Plan no. BXY 3/8 Site Plan, received on the 21st January 2015, shall be constructed in accordance with the approved plans prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity

Reason: In the interest of visual and residential amenity in accordance with Policy AW5 of The Rhondda Cynon Taf Local Development Plan

4. Prior to occupation of the House in Multiple Occupation hereby permitted, drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out 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.

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APPLICATION NO:	15/0258/10	(GW)
APPLICANT:	Mr D Gillespie	
DEVELOPMENT:	Single storey extension and rear dormer window to existing house	
LOCATION:	1 MEADOW STREET, TREFOREST, PONTYPRIDD, CF37 1SR	
DATE REGISTERED:	11/05/2015	
ELECTORAL DIVISION:	Treforest	

RECOMMENDATION: Approve

REASONS:

The extension would be to an existing dwelling and it would be of an acceptable size, scale and design. There would be no detrimental impact on the amenity of neighbouring residents or on the character and appearance of the area.

APPLICATION DETAILS

Originally full planning permission was sought for the conversion of the existing dwelling to an eight bedroom 'House In Multiple Occupation' (HMO) for students including a single storey rear extension and dormer extension.

The plans have now been amended to a 'Householder' development for the extensions and the number of bedrooms has been reduced to six. Members should note a dwelling where a maximum of six individuals are living together as a single household does not require a change of use to a House in Multiple Occupation.

This report is therefore on the basis of the 'Householder Application' and responses in relation to the original change of use should not be used as a basis for determination of the application.

The rear extension would be full width, single storey and would have a flat roof. This would measure 7.3m in depth, 6.5m in width and with a maximum height of 2.8m. The elevations would be finished with a render and the roof would be covered with felt. The extension would replace an existing extension and part of the stone wall facing towards the side street off Meadow Street. In addition a rear dormer is proposed. This would be finished with hanging tiles to match the existing roof.

The application is accompanied by the following:

- Design and Access Statement.

Councillor Powderhill has requested the application is reported to Development Control Committee to assess the impact on the surroundings.

SITE APPRAISAL

The site is a dwelling situated at the end of a traditional terrace on Meadow Street and close to the centre of Treforest. A side street leading from Meadow Street provides access to Meadow Court and Raymond Terrace to the rear. On the opposite side of this and further north along this side of Meadow Street is the Castle Square Conservation Area.

The University of South Wales is located approximately 400m away to the west. This part of Meadow Street has double lines around the junction with the side street. The rest of Meadow Street is restricted parking for a limited period of 2 hours or unrestricted to permit holders.

PLANNING HISTORY (Relevant to Application)

15/0087	115	Queen Street, Treforest	Conversion of house to 7 bed student house in multiple occupation with two storey extension and rear dormer window.	Pending
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PUBLICITY

The amended application has been advertised via direct neighbour notification. No new comments were received.

Originally two objections were received when the application included a change of use to a HIMO. The contents of those objections are summarised below:

- There is already more than 70% student occupied houses.
- The conversion will be out of keeping with the 3/4 bedroom properties on the street.
- There is a high parking demand on the street and sometimes we are unable to park on it, even with a permit. More students will make the problem worse.
- It will result in more late night noise and disturbance. Our car has also been damaged recently.

CONSULTATION

Countryside, Landscape and Ecology - no objection. A bat informative note must be provided on any planning permission.

Land, Reclamation and Engineering - no objection subject to drainage condition.

Police Authority – no objection.

Public Health and Protection – no objection subject to demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. It is adjacent to the Castle Square Conservation Area.

Policy CS2 – emphasises sustainable development. It promotes residential development with a sense of place which respects the character and context of Principal Towns and key settlements of the Southern Strategy Area. It aims to protect the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, 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 support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and 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 and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

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

Policy AW7- covers the protection and enhancement of the built environment.

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

Policy SSA13 - permits development within the defined settlement boundaries provided it does not adversely affect the provision of open space and car parking in the surrounding area, the land is not contaminated or subject to land instability and is accessible to local services by a range of modes of sustainable transport, on foot or by cycle.

Supplementary Planning Guidance

- Access Circulation and Parking
- Design and Placemaking
- The Historic Built Environment

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 6 (Conserving the Historic Environment), Chapter 7 (Economic Development) and Chapter 8 (Transport), sets 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 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The dwelling is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP). Therefore, it is considered, the extension in principle would be acceptable subject to an assessment of the following other material planning considerations.

Impact on residential amenity and privacy

The single storey rear extension would be of a size and scale that would not have a significant detrimental impact from overshadowing or overbearing. There would be no significant increase in overlooking that would warrant a refusal reason. It is therefore considered that the development would not have a significant detrimental impact on the amenity of surrounding residents.

Impact on the character and appearance of the area

The proposed rear extension and dormer is the main visual change to the property. The extension would replace an existing single storey extension and the size and scale would be acceptable. However the replacement of the stone side wall, with a mainly rendered elevation, would have some negative visual impact on the street

scene. This elevation would also be seen in conjunction with the Castle Square Conservation Area and would not preserve or enhance its qualities. It is considered that the use of natural stone on the side elevation facing the street would overcome this issue. If permission is granted, details of this could be obtained by a suitably worded condition. With regards the proposed dormer it would be on the rear elevation and would not require planning permission on a dwelling. It is proposed to finish the dormer with tiles matching the existing roof tiles. As such these alterations would not have a significant detrimental impact on the character of the area or the nearby conservation area.

In conclusion the proposal is considered would not result in a significant visual impact on the character of the building or surroundings. Therefore this issue would not warrant a refusal reason.

Access and highway safety

There is no off street parking available at the property and none is proposed. No objection has been raised by the Transportation Section. They state the property is in a sustainable location and permit parking is available on the street.

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:

Objections raised by local residents

As detailed above the objections were received for the application that included a change of use to a HIMO. No objections were received when the application was re-advertised as a Householder application. Members will appreciate the objections raised concern the change of use and the current 'Householder Application' would not warrant a refusal on the issues they raise.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, the impact on character and appearance and parking (Policies AW2, AW5, AW6 and AW7).

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) no(s):

Drawing No. BXZ2/6 Rev A – Rear and Side Elevations Proposed received 24th March 2015.

Drawing No. BXZ2/3 – Ground Floor Proposed received 27th February 2015.

Drawing No. BXZ2/4 – First Floor Proposed received 27th February 2015.

Drawing No. BXZ2/5 – Second Floor Proposed received 24th March 2015.

and documents received by the Local Planning Authority on 27th February 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the submitted plans the north side elevation of the rear extension hereby permitted (facing the side street of Meadow Street) shall be finished in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity in accordance with Policies AW5, AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to occupation of the House in Multiple Occupation hereby permitted, drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

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

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APPLICATION NO:	15/0411/10 (DB)
APPLICANT:	Suncredit UK Limited
DEVELOPMENT:	Construction of solar park to include the installation of solar panels to generate approximately up to 4 MW of electricity, with substations, transformers, spare parts container, security fencing, landscaping, grid connection and other associated works, together with the retention of existing grazing and measures to promote biodiversity.
LOCATION:	AGRICULTURAL LAND AT TRECASTELL, FOUR FIELDS CENTERED ON GRID REF 302180, 181585, LLANHARRY
DATE REGISTERED:	13/04/2015
ELECTORAL DIVISION:	Llanharry

RECOMMENDATION: Approve subject to a S106 Agreement

REASONS:

The principle of the development is considered acceptable, being a medium scale solar farm development that would represent a useful contribution to the Welsh Government's commitment to securing a wider and more sustainable range of energy generation.

The site of the solar farm is located within a Special Landscape Area and a Green Wedge, however, it is considered that the proposed development does not have such an effect that would warrant a refusal and can reasonably be accommodated within the landscape without significant harm to the existing landscape character of the area and visual amenity. In addition, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.

It is therefore considered that the solar farm development would comply with the relevant policies of the Local Development Plan.

APPLICATION DETAILS

This is a detailed (full) planning application for the construction of a solar farm with a maximum capacity of 4MW. The operational life sought would be 30 years with 14 weeks to construct and 14 weeks to decommission the site.

The applicant states that the proposal would equate to the generation of electricity equivalent of up to 980 homes based on average consumption figures, and carbon savings equivalent to 1,650 tonnes per annum and 41,400 tonnes over the life of the operational period.

The solar panels would be located within three fields, numbered 2,3 and 4 on the layout plan and the substations and temporary compound would be located within small parts of two additional fields. The solar panels would be laid out in equally spaced rows from east to west across the site at an approximate distance of 6.85 metres between the centre point of the panels to avoid any shadowing effect. Each row would be mounted on a metal framework constructed of either galvanised aluminium or steel and extend from 0.7 metres from the existing ground level to a maximum height of 1.91 metres. The panels would be installed at approximately a fixed 20 degrees angle from the horizontal orientated to face south to optimise daylight capture and would be static and not move to "track" the sun.

Each module of the solar panels would have maximum dimensions of approximately 1.670m x 1.0m x 0.05m attached together to form 2 rows of panels fixed to the mounting frames. The panels would be non reflective which are designed to absorb daylight, coated to maximise daylight absorption and minimise glare potential. The mounting frames would be pile driven or screw anchored into the ground to a depth

of 1.5metres and would not involve any change in ground levels with no concrete foundations.

The solar arrays would be located a minimum distance of 3m from the proposed security fencing which would in itself be located outside the tree canopy and the drip line of any tree on the site boundary.

Each mounting frame would contain two rows of PV panels separated by a horizontal rainwater gap which would allow rainwater to drain freely to the ground beneath and between the panels to replicate the existing green field state. Existing on site drainage ditches or features would be retained with new drainage ditches, swales and two ponds constructed in the lower areas of each field to intercept extreme flows with indicative dimensions provided. A new 450mm culvert is proposed to link the surface water drainage between fields 2 and 3.

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

- Three transformer cabinets within each field measuring a maximum of 2.8m high x 4.0m long x 3.0m wide, which would be coated in dark a green colour (RAL 6011). Access tracks from the field entrances to each of these buildings for maintenance purposes.
- Two switch gear substations, one for the Distribution Network Operator (DNO) and one for the client. The DNO would measure a maximum of 3.8m high x 6.9m long x 5.5m wide and would be finished externally in brick. The client side substation would measure 3.0m high x 4.6m long x 2.7m wide and be a prefabricated unit.
- The provision of a number of inverter stations which would be fixed to the rear of the panel supporting structure across the site so that central inverters would not be needed.
- A storage container measuring approximately 2.5m high x 12.0m long x 2.4m wide.
- Open mesh security fencing to a height of 2.0 to 2.2m around the solar panels within each field and the provision of stock proof fencing to prevent sheep grazing of the hedgerows, field margins, grip drains and swales.
- The connection to the existing electricity network would be provided by underground cabling located alongside the site access tracks to minimise ground disturbance and laid in trenches which would be backfilled and restored.
- A temporary construction, parking and turning compound formed using temporary track mats.

The access to the site would be from Tyle Garw to the east of the site and from the unnamed lane leading to Trecastell Farm with use made of the existing field gates to access the different fields within the site. New access tracks would be constructed

within the site, using permeable materials to access fields 2, 3 and 4. Where these routes cross field boundaries they would run through existing openings. The existing field gate access to serve the DNO substation would be improved by squaring up the access, removing a 4m length of hedgerow to improve the visibility splay and translocating it alongside and trimming the hedgerow.

The grid connection to the national electricity grid would be located within the site boundary and would comprise of underground cabling to a maximum depth of approximately 2.5m located adjacent to the site access tracks, where possible, to reach the substation and DNO network.

The existing boundaries of hedgerows and woodland within the site would be retained and enhanced through new planting within the hedgerows to infill any gaps larger than 1m. Along the southern boundary of field 2 as shown on the proposed layout, hedgerow planting would be undertaken to provide further screening. The hedgerows between the fields and adjacent to the public highway would be managed to an increased height of between 2.5 to 3.0 metres.

The construction period is expected to take 14 weeks and involve a total of 320 HGV deliveries with no abnormal loads and a maximum of between 7 to 10 two way movements per day. It is anticipated that decommissioning at the end of the operational period of 30 years, to remove all the infrastructure, cabling and fencing, would require similar traffic movements. The maintenance requirements during the operation phase would amount to 10 – 20 visits per year by light vans to access the solar panels and the substation.

The land used for the temporary compound and land disturbed to construct the solar panels would be restored with a grass seed mix on completion of the construction works. The solar farm would provide for the ongoing agricultural use of the site for sheep grazing.

The design and layout of the proposed development was amended following a pre application community consultation which resulted in the exclusion of solar panels within the eastern most field closest to Tyle Garw and the amendment of the drainage strategy to take account of potential flooding issues.

The application is accompanied by the following documents:-

- Planning Statement
- Design and Access Statement
- Coal Mining Risk Assessment
- Statement of Community Involvement
- Addendum to Planning Application Documents
- Environmental Reports Compendium
- Planning Summary

SITE APPRAISAL

The site lies in the countryside and covers a total area of 9.5 ha of existing agricultural land predominantly used for sheep grazing within five agriculturally

improved fields with some areas of wetland which are generally surrounded by a dense framework of hedgerows, trees and woodland areas which enclose the fields. The exception to this general position is the southern boundary of the two most westerly fields where there is less vegetation cover and gaps in the hedgerow network.

The site comprises of gentle south-easterly facing sloping ground just south of the ridge of high ground of Coed Trecastell, ranging from 97m AOD within the north western corner down to around 71m AOD in the south east corner. The typical gradient ranges from 1:70 and 1:11. The large majority of the site lies to the north of Llanharry Road with only the area taken up by the construction compound lying to the south of the unnamed public highway to Trecastell Farm .

The site is surrounded by agricultural land and Trecastell wood which lies to the north of the site. Electricity pylons traverse the southern part of field 2 in an east to west alignment. A high pressure gas main runs through the western part of the site.

Trecastell Farm is located immediately to the west of the site, approximately 148m from the site boundary. The other nearest properties lie along Tyle Garw approximately 60 metres to the south east of the site.

There are no Public Rights of Way that run through the site although there are several in close proximity to the north and west of the site. The nearest PROW is located 10m to the north of the site.

There are no natural water features or bodies within the site although there are a number of agricultural ditches within the site and highway drainage channels within the public highway adjacent to the site.

Access to the site is gained from the public highway off an unmade road leading to Llanharry which runs to the south of the site in an west to east direction and the unnamed lane leading to Trecastell Farm.

PLANNING HISTORY

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

PUBLICITY

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

As a result of this publicity 3 letters have been received, two letters support the application, as land owners of the site and the third letter raises the following comments:-

- Industrialises the rural landscape that is a haven for wildlife and used by locals enjoying the countryside,
- Too close to homes – out of place and intrudes on enjoyment,
- Construction and maintenance traffic will cause disruption.

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.

Llanharry Community Council – Fully supportive and no objections raised.

Transportation Section – no objections raised subject to conditions relating to the route restriction of all construction HGV traffic, an assessment of the haulage route, full engineering of the accesses onto the public highway, a condition survey of Tyle Garw and the unnamed lane leading to Trecastell Farm, no surface water to discharge on to the public highway and a construction method statement.

NRW - no objections raised subject to a condition any consent granted to secure an implementation of the submitted method statement to ensure no detrimental effects on the maintenance of nearby dormice population. Provides advice to the Authority that any decision should take into account of possible adverse effects on all local biodiversity interests , as required by the Natural Environment and Rural Communities (NERC Act).

Public Health and Protection Section – no objections raised subject to conditions restricting hours of operation and provides notes regarding dust minimisation and treatment of waste.

Glamorgan Gwent Archaeological Trust (GGAT) – no objections raised following review of the archaeological desk based assessment.

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

Wales & West Utilities – advises of gas pipe apparatus in the vicinity of the site which should be protected.

Countryside, Landscape and Ecology Section – raises no objections subject to the imposition of appropriate conditions and a S106 Agreement to secure a species, habitat and tree protection plan, adequate hedgerow and tree management plan, monitoring and appropriate grazing regime during the life of the project. Advises that there are no relevant records of Statutory Protected Species from the immediate vicinity.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

The application site is located in the southern strategy area, outside of the settlement boundary, in a Special Landscape Area (SLA Llanharry Surrounds) in a Green wedge, in a sandstone safeguarding area and adjoins a SINC at Coed Trecastell.

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

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

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

Policy AW5 – lists amenity and accessibility criteria for development proposals. These include requiring the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area, retain existing features of the natural environment and have no significant impact on the amenities of neighbouring properties. Development should be compatible with other uses in the locality, designs out crime, be accessible, have safe access and not cause traffic congestion. Car parking should be provided in accordance with the Council's Supplementary Planning Guidance (SPG).

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

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

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

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

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

AW12 - advises that development which promotes the provision of renewable and non-renewable energy will be permitted where there is no unacceptable impact on

the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

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

SSA22 – identifies green wedges, including SSA22.4 land between Llanharan, Llanharry and Pontyclun. Development within green wedges that would prejudice the open nature of the land will not be permitted.

SSA23 – identifies the Special Landscape Areas in the Southern Strategy Area including SSA23.1 Llanharry Surrounds. Development within SLA's will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

National Guidance

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

Planning Policy Wales Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Historic Environment), Chapter 7 (Economy), Chapter 8 (Transport), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities

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

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

National Policy Statement for Energy (2011) – Sets out the UK national policy for energy infrastructure.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The main considerations in the determination of this application are whether the principle of the development is acceptable in this location, in a Special Landscape Area and Green Wedge and whether the renewable energy scheme would have any adverse impacts on the character and appearance of the site and the surrounding area. Other important considerations include whether the scheme would have any adverse impacts on nature conservation, agriculture, cultural heritage, residential amenity of those living closest to the site, access and highway safety, land drainage and whether resource use has been minimised. Other Issues include grid connection issues and the safeguarding of mineral resources.

Principle of Development

Planning Policy Wales TAN 6 and TAN 8 are explicit in support for the principle of renewable energy generation and they reaffirm the Welsh Government's commitments presented within One Wales (namely, to produce more electricity from renewables than Wales consumes as a nation by 2019).

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

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

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

Paragraph 3.7.2 of TAN 6 advises that *"many economic activities can be sustainably located on farms e.g. renewable energy are likely to be appropriate uses."*

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

Policy AW2 restricts development outside settlement boundaries in the interest of ensuring more sustainable development. As renewable energy generation is

sustainable there is no objection to the principle of a solar farm outside the defined settlement boundary.

In conclusion, the proposed solar farm would be a sub-local authority scale energy project which PPW supports in principle in any location and which the LDP similarly raises no objections. The proposal would not be a permanent development and after a period of 30 years it would be removed and the land returned to its former agricultural use. Moreover, this application would represent a diversification of the use of a small proportion of land within a single wider agricultural holding whilst retaining the agricultural management of the site for sheep grazing.

It is considered that the proposal would provide a modest but useful contribution with regards to meeting the target for the production of energy from renewable sources at the local level; and secondly, it would contribute towards the viability of the existing farmstead through diversification of income. Due to the location of the proposed solar farm in a Special Landscape Area and Green Wedge as defined by the Local Development Plan proposals map, consideration is needed of the impacts of the proposal on these designations.

National guidance advises that extreme care needs to be taken to ensure that the siting of solar arrays does not affect the special qualities of designated landscapes such as National Parks and AONB's as these are likely to be particularly sensitive locations and should be avoided where possible. The site falls outside any nationally protected landscape designations but as stated above at a local level falls within non statutory designations - Special Landscape Area (SLA) 23.1 Llanharri Surrounds and within a Green Wedge SSA22.4 as part of the land between Llanharan, Llanharri and Pontyclun, as defined in the LDP.

In respect of non -statutory sites, Paragraph 5.4.4 of PPW advises that they should "*not preclude appropriate socio-economic activities*" and Paragraph 5.3.11 advises that "*such designations should not unduly restrict acceptable development.*"

The LDP applies SLA's to areas of substantive landscape value where Policy SSA23 seeks to safeguard, manage and promote the special attributes of these areas and requires development to provide higher standards of design, siting and layout appropriate to these locally sensitive areas. Due to its size and location the proposal could potentially be in conflict with one of the key policies and management of Policy SSA23.1 which is to "*protect integrity of farmland from pressures for development and piecemeal changes of use*" and Policy SSA23 which states at Paragraph 6.180 of the LDP that "*particular consideration has been given to the protection of unspoilt low lying farmland*" of which this is a part. Policy AW12 of the LDP also requires renewable energy development not to have an unacceptable effect on interests of landscape importance.

Policy SSA22 of the LDP states that development within Green Wedges will not be permitted that would prejudice the open nature of the land. The site forms part of Green Wedge SSA22.4 within the land between Llanharan, Llanharri and Pontyclun. This land was designated in order to restrict development pressure, protect coalescence, protect vulnerable and undeveloped land and the existing urban form.

It is therefore considered that the key considerations are the likely impacts on the character and appearance on the special landscape quality of the SLA and the undeveloped nature of the open land of the Green Wedge. These are discussed under the headings below.

Special Landscape Area

The site forms a part of the SLA which consists of mainly rolling lowland farmland with irregular shaped fields bounded by hedges. The key policies and management of this SLA include: to maintain the farming character, conserve hedges and woodland screens and restrict the spread of development on all sides. **The area is considered to have a high/medium sensitivity to solar panels.**

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

An assessment has been undertaken using LANDMAP methodology. The assessment states that the proposed solar farm would form a small to medium scale development integrated into the existing field pattern and scale of the individual fields. It would have no physical effect upon the existing landscape features. The retention of the hedgerows and woodland areas along the field boundaries within the overall site would ensure that the strong sense of enclosure would remain. In addition there would be no change to the tranquillity of the landscape surrounding the site.

The assessment states that the majority of the SLA would be visually unaffected and that the visual amenity of the wider landscape of the SLA as perceived from public vantage points such as public highways and Public Rights of Way would be largely unaffected. In terms of the Green Wedge, the assessment states that the proposed development would not have an unacceptable impact due to the retention of the field boundaries.

Overall, the assessment has concluded that due to the unusually low profile of this kind of development, the topography and the close existence of hedges and woodland cover, the development would be well-contained and hidden. Thus the development is likely to detract minimally from the landscape quality of the SLA overall, and would not affect the perception of an undeveloped gap between the major settlements. Although the proposed solar farm would remain for 30 years, the development would be temporary and restoration of the site to a greenfield condition would be relatively achievable compared to many kinds of development. Therefore any visual and landscape impacts would not be permanent.

The Appraisal of Landscape and Visual Effects (ALVE) analyses 23 viewpoints lying within the Zone of Theoretical Visibility (ZTV). The viewpoints are taken from publicly accessible land and are representative of views of the site from a range of receptors and from various directions and distances. Paragraphs 7.17 – 7.18 of the ALVE summarise the likely effects of the development on these viewpoints as a worst case scenario taking no account of existing vegetation. There are seven representative viewpoints at a distance of between 2 and 5km from the site of which the ALVE

states none would “undergo any effect on visual amenity”. As the site would be invisible from all these viewpoints, and the equipment would be no more than 1.9 metres from the existing ground level, the evidence is that from distant viewpoints the development would not detract from the qualities of the SLA or erode the Green Wedge. The same conclusions that are made to the long range viewpoints are made to 10 medium range viewpoints between 500m and 2km.

The ALVE claims the effects of development on 7 close viewpoints of less than 500m from the application site, would vary between moderate, minor and negligible. Three photomontages have been undertaken of 3 close viewpoints along Llanharry Road travelling to Tyle Garw. The moderate effects occur where the development would be visible through gaps in hedges or through the proposed access points. Since the gaps are proposed to be closed by landscaping, the effects would reduce to minor adverse or negligible as the hedges mature. Therefore, the evidence is that from close viewpoints, the development would not detract from the SLA or erode the Green Wedge.

Due to the location of the site within a SLA it is important that the position and design of the ancillary features minimise their visual impact. All the ancillary equipment such as transformer and switchgear cabinets, are to be painted dark green, the substation would be brick built and the 2.2m high green mesh security fencing would be located inside the peripheral hedgerows; thus their appearance from outside the site is minimised.

Green Wedge

Policy SSA22 states that development that would prejudice the open nature of the land in Green Wedges will not be permitted. The supporting text explains that Green Wedges in the southern area have been designated specifically to prevent coalescence between and within settlements, protect vulnerable and undeveloped land and urban form. The proposal should therefore be assessed in terms of its likely effect on its impact on the undeveloped break between Pontyclun, Llanharan and Llanharry.

The LVIA has shown that the likely landscape and visual impacts would be limited as the development is well integrated into the existing field pattern, the site is well screened and the proposal is well contained such that it is effectively accommodated into the landscape and the perception of loss of openness limited. The Planning Statement considers that it would be materially different to other forms of development in that it would result in the retention of the existing landscape and ecological features, result in little associated development activity, retain agricultural activity on the site and amount to a temporary and reversible use of the land.

Summary of Above Issues

It is considered that the proposal would cover the majority of the site with solar panels and introduce a large manmade development of a semi-industrial character over a moderately large area into a rural landscape with its distinctive, tranquil, attractive, nature of scattered small farm complexes. It would introduce development

into a well-defined green gap between the built up areas of Pontyclun and Llanharry, for the 30 year life of the development.

The greatest effects would be on the character of the area due to the layout of semi-industrial rigid structures. There would be some moderate adverse visual effects from locations in close proximity to the site and minimum effects from higher viewpoints at a distance to the site.

In mitigation, it is acknowledged that views of the proposal would not be widely available, views from nearby residential properties would be limited and the new hedge planting and increased height, once established, would further assist in screening the arrays from various viewpoints and breaking up its mass. The solar panels would appear coherent due to their consistent spacing and their height and scale together with other components of the development would not be prominent. The impact is further reduced by not being located close to the existing boundaries. The existing field patterns, woodland edge and agricultural grazing management of the site would be retained, thus retaining these aspects of the farming character of the site.

In consideration of the Green Wedge, although a large manmade installation would normally be expected to have undesirable landscape and visual impacts, in this particular case it is accepted the likely impacts are negligible. The solar farm is unlike most types of development in that it would retain the agricultural use of the land, is a temporary development, albeit for 30 years, would result in no significant travel generation or disturbance to the tranquillity of the area, once constructed.

Furthermore, the availability inside the settlement boundary of an equivalent area (9.5 ha) either at ground level or roof level in one ownership would be very limited. The designation of the majority of the Southern Strategic Area outside the settlement boundary as falling within a Special Landscape Area is a further constraint to sourcing an alternative site.

In summary, it is acknowledged that there would be some adverse effects from the proposed solar farm to the appearance of the countryside and the character and appearance of the Llanharry Surrounds SLA, these are considered to be not significant. As stated above, the development would be largely contained within the enclosed character of the existing landscape, with the field boundaries and agricultural management of the site remaining. Whilst there are some adverse effects on some nearby visual receptors, the majority of views would be screened by the existing landform and vegetation. Overall, it is considered that the component parts of the development would not be prominent and that the additional planting and siting of the structures would not appear dominant in its surroundings. Whilst the development would change the local landscape the site would remain as a patchwork of fields bounded by hedgerows and trees. In addition, the agricultural use, retention and management of the field boundaries would be secured by means of a Section 106 Agreement.

The proposal would accord with Paragraph 3.15 of TAN 8 which indicates that “*other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.*” A number of recent appeal

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

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

The public benefits of the proposal would include the production, without carbon or other polluting emissions, of electricity sufficient to serve approximately 980 homes; a contribution to the security of national energy supply; the enhancement of biodiversity and of the historic fieldscape by the reinforcement of hedgerows and a contribution to farm diversification and support.

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

Ecology

The application is accompanied by an ecological appraisal which is made up of a desk top survey and a Phase 1 habitat survey. It shows that the site does not form part of any statutory or non statutory designated site for nature conservation. The nearest statutory designated sites are located at least 3km from the site. The appraisal considers that due to the separation distance and lack of similar habitats the application site is unlikely to have any direct or indirect impacts on the integrity of these sites or the nature conservation interests they support.

The appraisal notes that the nearest non statutory site borders the northern boundary of the site, Coed Trecastle SINC, which is designated for its ancient woodland, flora and dormouse colony and also within an area of high bat significance. The appraisal considers that due to the retention of all trees and hedgerows associated with the SINC and a buffer to the development footprint there would be no effects to the SINC.

The appraisal identifies that the agricultural fields within the site are of limited ecological value which are bounded by mature and semi mature broadleaved trees, semi-natural woodland, species poor hedgerows and mature trees which are of local ecological interest.

The potential for effects on habitats, birds, terrestrial mammals, amphibians, reptiles and invertebrates is considered within the ecological appraisal. Overall effects are considered to be low and with appropriate mitigation and sensitive design measures, it is considered that the potential for adverse effects on protected and notable species can be avoided. Protection measures include retaining the boundary habitats, hedgerows and woodland edge and trees and hedgerows within the site to include directional drilling beneath hedgerows and the temporary translocation of some 1-1.5m length corridors of hedgerow during cable laying works and drainage works. A hedgerow method statement is included in the Addendum to the Planning Application Documents in respect of the translocation of the hedgerow required for the improved access to the DNO substation.

The detailed mitigation measures include no on-site lighting during construction or operational phases, a pre construction badger survey as a precautionary measure with the perimeter security fencing raised 15cm above the ground level to allow passage and foraging by badgers. Construction works would avoid the bird nesting period during any hedgerow removal, or a nesting bird survey would be undertaken if this is not possible. A method statement would be provided prior to implementation in order to limit impacts on any birds and bats, dormouse, amphibians and reptiles.

As part of the proposed development a number of enhancement measures are proposed. These include infilling the gaps in the hedgerows, provision of two ponds and drainage ditches to provide variety of habitat for invertebrates and amphibians. Wildlife corridors between the solar panels and site boundaries would exclude sheep grazing and allow ecological interest to develop.

The Council's Countryside Section has considered the submitted proposals, and mitigation measures as amended by the subsequent Addendum. No objections are raised subject to a S106 Agreement to secure long term management works to trees, woodland and hedgerows, monitoring and appropriate grazing regime during the life of the project and the imposition of conditions to secure minimum works to the existing trees, hedgerows and woodlands, fuller details of the drainage provisions and method statements for nesting birds/bat/dormouse and badger. NRW have raised no objections subject to the imposition of conditions to require the implementation of the submitted ecological appraisal, layout and planning proposals and the method statement for dormouse prior to any vegetation clearance, in order that the proposed development would not be detrimental to the maintenance of the dormouse population.

It is therefore considered that there would be no ecological constraint to the development subject to the imposition of a S106 Agreement and appropriate conditions.

Impact on residential amenity and privacy

There are several residential properties which are scattered to the north, west and south and the nearest residential properties to the application site are located within Tyle Garw Terrace to the east of the application site.

The LVIA submitted to accompany the application shows that the solar farm would not negatively affect the visual amenity of neighbouring occupiers or land uses. There would be likely to be limited visibility of the site from these locations as the proposed development would be effectively obscured by the topography of the ground and screening of the intervening topography. However, it is anticipated that there would be filtered views during winter months. For the few residential properties which are on elevated ground to the north of the site the view is assessed as a minor scale. The overall scale of the visual effect on residential properties is therefore considered to be negligible. This limited visibility is accepted.

The construction phase of the development also has the potential to have an impact on the amenities of local residents. However, the construction activities are of short term duration and conditions could be imposed in order to control the hours of operation and the times for HGV movements to avoid peak times. During the operational phase the solar panels would not produce any mechanical or electrical noise and maintenance would generate limited traffic movements.

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

Therefore, it is considered that the development would be unlikely to unacceptably affect either the visual or residential amenity of nearby residents and comply with Policy AW10 of the LDP.

Access and highway safety matters

A Transport Assessment has been submitted which includes details of the construction route, management of construction traffic and traffic generation, together with swept path analysis of the access routes.

The assessment states that the construction period is expected to be 14 weeks duration and the maintenance requirements during the operation phase would amount to 10 – 20 visits per year by light vans to access the solar panels and the substation. Construction traffic would total approximately 320 HGV deliveries with no abnormal loads and a maximum of between 7 to 10 two way movements per day. The decommissioning at the end of the operational period of 30 years would require similar traffic movements.

All materials and equipment would be brought to a central site compound from where they would be transferred to one of three fields using smaller vehicles such as tractor and trailers. The onsite construction compound would be used for all parking, turning, unloading, loading and wheel cleansing activities.

The existing access points into the existing fields would be improved for both construction and maintenance purposes by hard surfacing the entrances and by providing an improved visibility splay to access the substation building. The existing carriageway adjacent to the proposed compound would be widened to cater for turning movements for HGV traffic.

It is expected that the construction hours would be from 8am to 6pm Monday to Friday and between 8am to 1pm Saturday and deliveries would avoid peak traffic periods. The proposed access route for all traffic would be via the A4119/ A473 and then Coedcae Lane, Tyle Garw and the unnamed lanes leading to Trecastell Farm.

Construction management would include construction signage from the A473 to the site and use of two way radio to minimise conflict between general traffic and construction traffic. The swept path analysis along the access route from the A473 does not indicate whether the wheel tracking would overrun the carriageway and utilise the highway verge.

The Transportation Section has considered the proposals in terms of highway safety matters. It is recognised that the route via Tyle Garw and the unnamed lanes leading to Trecastell Farm via a narrow country lanes, varying in width between 4.5 to 6m, with limited passing bays and sub standard visibility, street lighting, drainage and structural integrity. The access route is sub standard to cater for the type and volume of traffic which would be generated by the proposed development and would not allow safe two way traffic flows. However, it is recognised that adjacent to the properties at Tyle Garw there is sufficient road width for HGV's to pass. In view of the proposed mitigation measures which include the use of banks men and radio contact, (which it is assessed would delay normal traffic for approximately 1 minute), deliveries to avoid peak traffic periods, and the limited operational traffic, no highway objections are raised subject to a number of conditions. The proposed conditions include the development to be carried out in accordance with the mitigation measures, an assessment of the haulage route prior to construction, a condition survey of the access route in close proximity to the site; improvements to the site access, surface water not to discharge onto the highway, details of wheel washing facilities and HGV movements to avoid peak periods. The Transport Section have requested that access to the DNO substation should require the realignment of the hedgerow to achieve the required vision splay. Whilst such an improvement would normally be accepted, in view of the ecological sensitivity of the hedgerow (in close to dormouse population) it is considered that such a loss would not be environmentally acceptable.

Given the temporary nature of the construction phase the low numbers of maintenance vehicles and the mitigation measures proposed and subject to the imposition of the recommended conditions, it is considered that the development would be in keeping with the provisions of Policy AW5 and AW12 of the LDP and would not have an adverse impact on highway safety.

Archaeology

The archaeological desk based assessment has assessed the known archaeological and heritage assets within a study area around the proposed development area, including 19th century iron ore mining and Trecastell Farm.

The assessment also takes into account the visual impact on designated heritage assets, including the Scheduled Monument of the Bronze Age round barrows at Naboth's Vinyard (1.4km from site) and the Grade II Listed building of Llechau Farmhouse (700 metres from the site) and has concluded that there would be no adverse effects to their setting or significance. It also includes a LiDAR survey and site visit which has identified further remains within the development area, and its immediate vicinity. These included a potential ring-ditch and a potential cairn, both conceivably of Bronze Age date, given the nature and location of other nearby remains and these areas have been excluded from the development. The potential for 19th century features associated with the known iron ore mining was examined and no other features were noted. Features identified within the site are an arrangement of probable field boundaries related to a rectangular enclosure which predate the current field pattern; the layout of these is recorded in the assessment report. The report concludes that no development effects identified would preclude the development.

Glamorgan Gwent Archaeological Trust has advised that the assessment works undertaken provides suitable mitigation for the proposed development as it shows that there would be no adverse impact on designated assets. It is unlikely, given the evidence, that features of significance would be encountered during the development work. Glamorgan Gwent Archaeological Trust has advised that the removal of features identified from the development area and the recording of the boundaries field pattern provides sufficient information to recommend that no further archaeological work is necessary.

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

Land Drainage

The Drainage Strategy identifies that the site lies within Flood Zone A which is in a very low or no risk of flooding based on the DAM flood zone maps of TAN 15.

The rainfall falling onto the solar panels would run directly to the ground underneath and infiltrate the ground at the same rate as it does now. Existing drainage features would be retained and the site would remain vegetated through the construction and operation of the site to prevent soil erosion. The proposals also include the use of temporary "track mats" for the construction compound, permeable paving/soil stabilisation for the construction of the new access tracks and the grass seeding of all disturbed areas following completion of the construction works. All the ancillary buildings would be constructed on concrete foundations to a depth of 150mm above the ground level to prevent the ingress of water. Soil compaction would be minimised by using light machinery for construction purposes with the use of low ground pressure during wet weather and all HGV's restricted to the temporary construction compound.

A sustainable drainage strategy is proposed which proposes mitigation measures including the use of two attenuation ponds, swales and one new 450mm culvert, stone filled trenching and extensive drainage grips for managing the disposal of surface water runoff, as soak away tests identified that infiltration drainage is not appropriate on the site. These measures would ensure that any increase in surface

water runoff is controlled and mitigated. It is also proposed to provide surface water runoff improvements to the public highway south of Field 2, which is known to flood in heavy rainfall conditions. A maintenance schedule is proposed for the life of the development.

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

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

Agriculture

The site is identified on the Agricultural Land Classification (ALC) maps provided by the Land, Nature and Forestry Division of Welsh Government as comprising Grade 4 land. A detailed ALC survey over a wider survey area identified the site as Grade 3b with smaller areas of Grade 3a which have been excluded from the proposed development site. The site forms part of an agricultural tenancy and would represent approximately one fifth (9.5ha of 48ha) of the tenant's farmable land within an overall agricultural tenancy of 60 ha. The tenant still intends to use the site broadly as exists now and sheep graze the site but it would be incapable of fodder production or cattle grazing, and agricultural production would no longer be the predominant use but ancillary to the use as a solar park. The tenant would also receive an income from the land owner each year in compensation.

The proposal would form a farm diversification scheme for the existing farming business of the tenant. The land would not effect the "*best and most versatile agricultural land*" of Grades 1,2 and 3a in respect of which national policy advises at Paragraph 4.10.1 of PPW "*should be conserved as a finite resource.*" The proposals relate to the non-agricultural development of the agricultural land but does not involve the irreversible loss of the land. The proposed solar farm would involve relatively unobtrusive construction methods, with only the frames of the panels being pile driven into the ground with the small level of infrastructure buildings, access tracks and fencing removed following decommissioning.

It is considered that the proposal would be a form of farm diversification, would not affect "*best and most versatile agricultural land*", would have a minor impact on the existing farming operations, and would not involve a long term impact as the solar farm represents a temporary use of the land. It would therefore comply with national policy and Policy AW12 of the LDP which requires renewable energy proposals not to have unacceptable effects upon the interests of soil conservation and agriculture.

Glint and Glare

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

The LVIA has concluded that due to the screening effect of the surrounding vegetation, the existing topography and low lying nature of the proposal, it is not expected that there would be glint and glare effects as a result of the proposed development.

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

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

Mining Consultation/Minerals

The site is identified in the Local Plan within a mineral safeguarding area for sandstone. The proposed development consists of lightweight structures which would be above ground and would not substantially sterilise or hinder future extraction of the mineral, which is located beneath the site.

The solar farm is a temporary development with a lifespan of 30 years after which it would be decommissioned, dismantled and the land reinstated. The effects on the landform are very limited and the sandstone resource would not be permanently harmed as a result of this development.

The Coal Mining Risk Assessment accompanying the application indicates that there is a single mine entry (a shaft) within the site, the approximate position of which is shown within The Coal Authority Report as being located within the existing woodland area, which is proposed to be retained and approximately 17.5 metres away from the proposed solar panels. This is assessed as a moderate risk and a mitigation strategy is proposed to determine the actual location of the shaft with security fencing constructed to prevent access. The Council's Structural Engineer has advised that the mitigation strategy is acceptable.

It is therefore considered that the scheme is acceptable in terms of minerals and mining matters and be in keeping with the provisions of Policy AW10 of the LDP.

Community Infrastructure Levy (CIL)

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Community Benefits

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

The applicant, Suncredit UK Ltd has advised that should permission be granted then it would provide a community benefit fund that would contribute £1,000 per MW installed, either as a one off payment or annual instalments over the first 15 years. The applicant is also offering, subject to demand, to provide a discounted purchase scheme for solar panel installation for local residents.

It should be noted however, that the community benefit is not put forward as mitigation and should not be a material consideration in the determination of this planning application.

Conclusions

The development represents a medium scale solar farm development that would contribute to the Welsh Government’s commitment to optimising renewable energy generation, as set out in Section 12 of PPW. The application site is not protected by any statutory designations and the proposal has taken into account the need to protect the existing landscape features and ecological resources within and adjoining the site.

The proposed development would provide some benefits to the environment of the immediate area such as improvements to the existing surface drainage system, enhanced ecological and landscaping measures and these can be secured by conditions.

The proposal would be contained, has limited visibility, is temporary and gains support from Policies including AW6 (protecting and enhancing landscape features) and AW12 which permits renewable energy schemes provided there are no unacceptable effects on the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, public health and residential amenity. In addition to this, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.

Therefore, having regard to all the matters raised above, it is considered that the scheme is supported by the objectives of both local and national planning policy, which seek to promote development proposals that meet national and local renewable energy targets and is acceptable subject to a S106 agreement to secure the provision, compliance and monitoring of management plans regarding the boundary hedgerow and wildlife corridor, appropriate grazing regime, sustainable drainage and subject to the attached recommended conditions, to secure the mitigation measures referred to in the main report.

RECOMMENDATION

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

1. The applicant (and any other party/parties with an interest in the land) first entering into an agreement or Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 that in general terms would secure the following measures for the 30 year life of the development :-
 - The provision and compliance with a Management and Aftercare Statement of all the land to include hedgerow and tree enhancement and management measures,
 - The provision and compliance with a Wildlife Corridor Management Statement,
 - The provision and compliance with a Sustainable Drainage management Strategy,
 - The agricultural use, management and drainage of the land during the operational use of the solar farm to include restriction on the use of fertiliser application,
 - Means of consultation and agreement between the solar farm operator and the Council regarding the implementation measures
 - The development of a working programme, reporting and an annual site management meeting.
 - The recommended conditions as set out below in this report,
2. That the Service Director Planning to be authorised to add, amend or vary any condition before the issuing of the planning permission, providing that such changes do not affect the nature of the permission or development.

RECOMMENDATION: Grant

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

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

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

- Site Location Plan – (S.0492_01-C).

- Solar Layout and Planting Proposals (S.0492_14-D).
- Site Panel Details (2194.AP.007.4.A, 2194.AP.008.4.0, 2194.AP.010.2.0, 2194.AP.003.1.A).
- Transformer Station (2194.AP.004.2.0).
- Substation (2194.AP.009.2.0).
- Spare Parts Container (2194.AP.011.3.0).
- Security Fence (2194.AP.006.3.0).
- Red Line Boundary (S.0492_20-A).
- Proposed Drainage Arrangements (S522/09)).
- Vision splay drwg (S522/11A).
- Substation Access Swept Path Analysis (S522/12).
- Hedgerow Method Statement dated 19 June 2015.

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

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

3. The permission hereby granted shall endure for a period of 30 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason: In the interest of visual amenity, in accordance with Policies AW5, AW8 & AW12 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

Reason: To safeguard the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. All works shall be undertaken in accordance with the new “British Standard BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations”. This document shall be emphasised to and followed by all interested parties including contractors and developers.

Reason: To ensure that the work is carried out to a satisfactory standard, in the interests of good husbandry in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No external artificial lighting shall be provided during the construction phase or installed during the operation of the site as a solar farm.

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

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

- An appropriate scale plan showing 'Species, Habitat and Tree Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed
- Details of specific species and habitat mitigation measures for key species including birds and bats, dormouse, amphibians and reptiles.
- Details of invasive plant avoidance and /or treatment
- Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - Specific species and Habitat Mitigation measures;
 - Provision of training and information about the importance of the 'Species, Habitat and Tree and Tree 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.

9. The development hereby permitted shall be undertaken fully in accordance with the following documents, unless otherwise agreed in writing by the Local Planning Authority:-

- Section 5.3 of the Ecological Appraisal by Avian Ecology dated 11 March 2015,
- the drawing S.0492_14-D,
- the Hedgerow Method Statement produced by Avian Ecology dated 19 June 2015 contained within the Addendum to Planning Application Documents, by Suncredit UK dated June 2015.

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

Reason: To ensure that the proposed development will not be detrimental to the maintenance of dormouse population in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

11. 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.

12. No development shall commence until full drainage details have been submitted and approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The development shall be carried out in accordance with the approved details prior to the

beneficial use of the solar farm hereby approved.

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

13. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of improvements to the site compound access, field accesses and substation access including the tie to the highway have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out to the approval of the Local Planning Authority prior to any delivery of materials to the site.

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

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

The CMP should identify as a minimum;

- An assessment of the haulage route to the site to ensure that the proposed lorry deliveries would be able to safely negotiate the route
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off during construction to ensure it does not discharge onto the highway
- details of the nature, type and quantity of any materials to be imported on to the site
- measures for dealing with any material (e.g. excavated waste) to be removed off-site
- identification of any buried services, such as foul sewers, so that they are protected
- facilities for wheel washing
- that all HGV movements to and from the site shall only take place between the hours of 09:00am and 15:30 and only on weekdays
- that the means of access, together with the temporary construction compound and parking and turning facilities shall be undertaken in accordance with the submitted Construction, Decommissioning and Traffic Management Plan
- the details of the improvements to the means of access to be laid out and constructed for a distance of 20m
- details of protective measures and sensitive working practices to avoid impacts on the nearby Public Rights of Way which meet Maes Mawr Road

- the details of the restoration of the land taken up by the temporary construction compound and temporary access routes.

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

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

15. Prior to the commencement of the development a report indicating the methodology for undertaking a survey of the condition of Tyle Garw and the unnamed lane leading to Trecastell Farm affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include:

- details of the road to be surveyed;
- the timescales for undertaking the surveys; and
- the method(s) of reporting the findings to the local planning authority (including the use of comprehensive photographs, and any potential compensation arrangements.)

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

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

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

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

17. No development shall be commenced until details of the means of connection to the electricity grid from the site have been submitted to and approved in writing by the Local Planning Authority. The grid connection shall be implemented in accordance with the approved details.

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

18. The landscaping scheme hereby approved, under Conditions 8 and 16 above shall be fully implemented on site within the first planting season after completion of each phase of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless any variation is otherwise agreed in writing by the Local Planning Authority.

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

19. Prior to the first beneficial use of the development, a Decommissioning Plan shall be submitted to, and approved in writing by, the local planning authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original agricultural condition, together with the provision of ecological features, including; the method for the removal of all the solar panels, cabins, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling, and details of how the site is to be restored to its original condition and financial arrangement for this. The decommissioning works shall be carried out in accordance with the approved details.

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

20. Within 30 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures, fencing and access tracks hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than five working days following cessation of power production. The site shall subsequently be restored (in accordance with the scheme required by Condition 19 no later than six months following the cessation of power production or within 30 years and six months of the completion of construction, whichever is the sooner.

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

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APPLICATION NO: 15/0432/10 (MF)
APPLICANT: Charmwood Group
DEVELOPMENT: Construction of commercial unit for B1, B2 & B8 usage together with car parking.
LOCATION: UNIT 5, NAVIGATION PARK, ABERCYNON, CF45 4SN
DATE REGISTERED: 01/05/2015
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Approve

REASONS:

It is considered that the proposal represents an appropriate development at the application site and would provide positive economic benefits to the wider Navigation Park estate.

APPLICATION DETAILS

Full planning permission is sought for the construction of a block of 8 industrial units at Unit 5 Navigation Park, Abercynon. The block would be sited to the rear of the site measuring 66 metres in width by 13 metres in depth, having a pitched roof design to 10 metres in height. The building would be divided into 8 separate units between 98m² and 132m² floor area for use within Classes B1, B2 and B8. It would be finished in buff facing brickwork with stone heads and profile sheet roofing to match the design of the adjacent properties. Each unit would have a roller shutter door and a separate glazed feature, incorporating a pedestrian access door within the front elevation. It is proposed that 24 off-street parking spaces be provided to the front of the site with access being gained via the existing entrance off the main highway through the estate.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The application site is an undeveloped, vacant plot of land located at the north-eastern corner of the wider Navigation Park development. It is of a roughly rectangular shape, amounting to approximately 2100m². The site is flat being of a comparable ground level to the adjacent plots, however, the land to the rear falls away steeply to the adjacent river. The plot is bounded by an office block to the west, the River Taff to the rear, and the main highway through the estate along both the eastern and southern flanks. There is an existing vehicle access located centrally along the southern, front, boundary of the site. A number of mature trees are located to the rear of the site along the river bank that would remain following development, but the site itself is free from any vegetation or ecology of note, being covered with scrub that has grown since the initial development of the estate.

The surrounding area is characterised by a number of large commercial buildings, used mainly for office use. The nearest residential properties are located over 30 metres away beyond a band of mature trees that form the eastern boundary of the wider Navigation Park estate.

PLANNING HISTORY

A number of previous planning applications have been submitted at the site:

05/1252	Unit 5, Navigation Park, Abercynon	Proposed construction of two storey office development with parking	Granted 16/03/06
03/0941	Navigation Park, Abercynon	Variation of Condition 2 of planning consent 92/0507 (as amended by planning permission 97/4381) to allow the submission of Reserved Matters within 14 years of the outline consent	Granted 15/08/03
00/4404	Navigation Park, Abercynon	Variation of Condition 2 of planning consent 92/0507 (as amended by planning permission 97/4381) to allow the submission of Reserved Matters within 11 years of the outline consent	Granted 03/10/00
97/4381	Navigation Park, Abercynon	Extension of time of 92/0507 and 95/0373	Granted 15/01/98
95/0373	Navigation Park, Abercynon	Extension of time of 92/0507	Granted 20/09/95
92/0507	Navigation Park, Abercynon	2300 sf B1 offices, 5000 sf ancillary retail, 30 dwellings, electricity substations, gas governor, associated infrastructure and landscaping	Granted 28/08/92

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received from Cynon Taf Community Housing Group, an occupier of the adjacent office block, making the following comments (summarised):

- Given the close proximity of the proposed building to the adjacent office block, the new structure would overshadow the north-east elevation of the existing building.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

Public Health and Protection – no objection, subject to conditions.

Countryside, Landscape and Ecology – no objection, subject to conditions.

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

Natural Resources Wales – no objection.

Wales and West Utilities – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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

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

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

Policy AW10 – does not permit proposals where they would cause or result in risk of unacceptable effect upon the interests of certain matters including agriculture, nature conservation, landscape importance, public health and residential amenity.

Policy NSA26 – details criteria for development that will contribute to the achievement of the Cynon Valley River Park Strategy.

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 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.

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.

Principle of the Proposed Development

The application site is located outside of settlement limits and is not allocated for any specific purpose. However, it forms a vacant plot within the wider Navigation Park estate which originally gained outline consent in 1992 to redevelop the former Abercynon Colliery site for B1, A1 and C3 use. Consequently, whilst it is acknowledged that the plot is not formally allocated for employment within the LDP, it lies within the boundaries of the original outline consent where it is considered the principle of development has already been established.

It is however noted that the original outline consent (92/0507) gave permission specifically for B1 office use only in order to try to encourage prestigious business to the area and although no objections have been raised, the proposed B2 and B8 uses might impact negatively upon the marketability of the remaining undeveloped section of Navigation Park opposite the application site. In light of this, consultation was undertaken with the Council's Enterprise Support Team to determine whether this issue would be considered significant enough to warrant refusal of the application. Their response raises no objection to the application, commenting that the proposed scheme is considered to be an appropriate extension to an existing employment site and that they had witnessed a growing demand for this type of small starter unit accommodation in the area, borne out of a high occupancy rate in many of the surrounding industrial estates.

Subsequently, whilst it is acknowledged that the original outline consent aimed to encourage B1 use in an area with a lack of this type of employment, and it is regrettable to lose a plot within the estate that would ideally be used to encourage a more strategic B1 business use, given that the last planning application for B1 development on the estate was submitted in 2007 and there has been no further interest in developing Navigation Park for this type of use since, in light of the current economic climate and the fact that the plot is unlikely to ever be developed for B1 use, on balance, the use of the plot for B1, B2 and B8 use is considered to be acceptable. Furthermore, it is actually considered that the development of this vacant site may encourage further development throughout the remaining vacant plots on the wider estate having significant economic benefits for the Borough as a whole.

Visual Impact

Whilst the new building would obviously alter the appearance of the existing vacant plot, Navigation Park comprises a number of commercial units of a varied design, scale and height and as such, it is not considered the proposed building would be out of character with its surroundings.

The design and general character and appearance of the proposed building is comparable to that of the neighbouring properties on the adjacent plots and is considered to be in-keeping and consistent with the general character and appearance of the wider estate. Furthermore, the external finishes are typical of the locality which would ensure the building will not form an overly prominent feature in the area. Consequently it is not considered the proposal would be detrimental to the appearance of the site or the surrounding area as a whole and would actually improve the current character and appearance of what has been a vacant site for a number of years.

It is however noted that the landscaping within Navigation Park has been identified as poor, therefore whilst the application indicates the provision of some landscaping, it is considered a condition requiring further details relating to hard and soft landscaping is necessary to ensure the development compliments and enhances the existing area helping to visually link the development with the surrounding natural landscapes.

The application is therefore considered acceptable in this regard subject to the landscaping conditions detailed below.

Residential Amenity

As detailed above, the application site is located within the Navigation Park estate where the adjacent properties and those within the vicinity of the site are predominantly commercial in character and the nearest residential properties are located over 30 metres away, beyond a line of mature trees that screen them from the estate.

Whilst it is acknowledged that the open nature the proposed B1, B2 and B8 uses could attract a wide variety of potential uses within the units, given the small scale of each individual unit, it not considered the potential uses would be intensive enough to have a significant impact upon the amenities or operation of the surrounding buildings in the immediate vicinity of the site or the nearest residential properties. It is also noted that no objections have received from the Council's Public Health and Protection Division in this respect.

It is noted that the objector has commented that the proposed building would overshadow the adjacent building. Whilst it is acknowledged that a degree of overshadowing would occur, given that the proposed building would be sited north of the adjacent property, it is not considered the degree of impact would be significantly greater than that which currently occurs. Therefore any potential impact would not be considered significant enough to warrant refusal of the application.

Consequently, the application is considered acceptable in this regard.

Highway Safety

Following consultation with the Council's Transportation Section, no objections have been raised subject to a number of standard conditions. It was commented that the site is served off the main highway through Navigation Park which has been designed and constructed to current standards and is acceptable to serve the proposed development. Additionally, there are Traffic Regulation Orders (TRO) on the development side of the highway preventing on-street parking which will allow for sufficient width for vehicles to pass each other should overspill on-street parking take place. Some concern was expressed due to a shortfall of 12 parking spaces should each of the units be occupied by a B1 use, however, given the location of the site in close proximity to both bus and rail stops and the local amenities in Abercynon, the site is considered to be in a sustainable location and this would not be sufficient to warrant a highways objection.

It is therefore considered that the development would not have any adverse impact in regards to pedestrian or highway safety in the vicinity of the site subject to the conditions detailed below.

Ecology

The Council's Ecologist has commented that the scrub which covers the site has no ecological value and the site has little potential for bird or reptile habitat given its open nature. Consequently there is no objection to the application in this regard. It was however commented that the river bank to the rear of the site is heavily populated with mature trees and that a condition should be added to any consent to ensure that they are not removed and are protected during development.

Other Issues

Consultation has been undertaken with the Council's Land Reclamation and Engineering Section, Dwr Cymru/Welsh Water and Natural Resources Wales with a view to assessing any potential impacts upon land drainage and flood risk. Their responses raise no objection to the planning application subject to standard conditions and advice.

The Council's Public Health and Protection Division noted that as the site was previously occupied by a colliery, there is a potential for contaminated land to exist on site. As such it suggested standard conditions relating ground conditions be added to any consent.

Community Infrastructure Levy Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £0 and therefore no CIL is payable.

Conclusion

Having taken account of the issues outlined above, whilst it is acknowledged that a B1 use would be preferable at the site, given the lack of investment at Navigation Park in recent times, the current economic climate, and the fact that a B1 development is unlikely to come forward in the near future, it is considered that the proposal represents an appropriate development at the application site. Furthermore, there would be no impact in respect of the visual amenity of the locality or upon highway safety in the vicinity of site, and the potential impact upon the amenity of the surrounding properties would not be considered significant enough to warrant refusal of the application. As such, the application is recommended for approval subject to the conditions specified 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 development hereby approved shall be carried out in accordance with the approved plans ref. P-099A, P-100B, P-101B, P-200B, P-201B, P-202B, P-300B, P-301B, P-400B, P-401B and documents received by the Local Planning Authority on 01/05/15, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

5. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local

Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) paragraph above.
- A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

7. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then works shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing.

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

8. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted site plan P-200B and approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose

other than the parking and turning of vehicles.

Reason: In the interests of highway and pedestrian safety and to ensure adequate off-street car parking facilities are provided in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the details shown on the submitted plans, development shall not commence until design and details of the tie in with the adopted highway including demarcation kerbing have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

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

10. 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.

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

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

12. 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.

13. 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.

14. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

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

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

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

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

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APPLICATION NO: 15/0474/16 (GD)
APPLICANT: Parc Eirin Development Company Ltd
DEVELOPMENT: Residential development of 225 new homes with associated parking and open space. Reserved matters of access, appearance, landscaping, layout and scale sought as part of this submission.
LOCATION: LAND AT PARC EIRIN, WILFRIED WAY, TONYREFAIL, CF39 8JS
DATE REGISTERED: 10/04/2015
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development has been established by the grant of outline planning permission under application 05/1017 and its subsequent renewal under planning application 13/0350.

In terms of the reserved matters detail seeking approval the proposed development is considered acceptable and allowing the application would represent the next step in delivering a substantial amount of affordable housing in the locality.

APPLICATION DETAILS

The application seeks approval of reserved matters for the residential element of the Parc Eirin development. The application seeks consent for the construction of 225 dwellings on the site comprising 27no. one bedroom units, 71no. two bedroom units and 127no. three bedroom units.

The accommodation will be comprised in the following

- 27no. flats comprised in three 3 storey blocks of nine flats each. (FL15 type)
- 18no. two storey three bedroom corner houses.(HT18 type)
- 34no. two storey three bedroom houses.(HT12 type)
- 50no. two and a half storey three bedroom houses.(HT4RF & HT4B types)
- 2no. two storey three bedroom houses (HT3RF & B types)
- 23no two storey three bedroom houses (HT2RF,G-RF & B types)
- 59no. two storey two bedroom houses (HT1RF & B types)
- 12no two bedroom flats over garages (HT10- B, A-RF & A-B types)

The variation within the house types described in the codes attached to the house types above relate to the finishes and the introduction of some variety into such features as gables dormers and semi dormers, Dummy chimneys, windows, bay windows garage door and door finishes. The houses and flats will be built in a red multi facing brick with some key elevations finished in whole or part in a white through coloured render. Roofs would be completed in either a grey or russet interlocking roof tile. Windows fascias and soffits will all be in white uPVC and all rainwater goods in black uPVC.

Access into the site will be derived principally from Wilfred Way on the southern boundary of the site approximately 150 metres west of the existing roundabout and it turns westward within the site to rejoin Wilfred way on the western site boundary. Beyond the principal access a series of streets and cul de sacs are formed to deliver the development. All roads will be finished in tarmacadam as will the footpaths that adjoin them and they will be built to adoptable standards. The exception to this will be the traffic calming features within the site that will be block paved as will be the highway service strip to the properties at the northern and western extremities of the site. All individual private drives to houses, parking spaces and parking courts will also be finished in tarmacadam.

The site has been laid out with two large areas of public open space and with a kitchen garden at its north western corner. The site benefits from good permeability within and through it with a total of five footpath links into the site on its northern and eastern boundaries where the local footpath network and cycle route adjoin.

A series of swales will also be developed along the northern and eastern boundaries of the site as part of the drainage strategy for the proposed development.

Being a reserved matters submission the application is accompanied by only a short explanation and justification statement

SITE APPRAISAL

The site comprises approximately 8.5 hectares of the remaining 18.6 hectare plateau granted consent under planning application 97/2041; part of the upper plateau has already been built out by the Ensinger factory unit. The plateau runs east - west along the base of the Nant Eirin Valley in Tonyrefail.

Despite the reconfiguration of the land brought about by earlier planning consents, the landscape of the site is to some extent reclaimed by scrub and grassland, though it also still presents an engineered appearance both from a distance across the valley and close by the site. A recently developed Redrow housing development lies immediately west of the site.

Access in the form and extent of Wilfred Way has already been constructed to serve the Ensinger factory which occupies the higher north eastern plateau area, the intension is that this route which links directly with the Tonyrefail by pass will serve the proposed development.

PLANNING HISTORY

13/0350	Variation of condition 1 of outline planning permission 05/1017 to extend the period of time allowed for the submission of reserved matters	Approved 01/04/14
05/1017	Proposed mixed industrial, residential and community facilities (outline application)	Approved 12/04/10
97/2041	Extension to Parc Eirin Estate for B1, B2 and B8 development on to adjacent farmland with the diversion of the Nant Eirin and improvements to other land ownerships (translocation of habitat) and renewal of planning application 56/95/0657 (amendment to condition 1 on planning consent 56/93/0905) to permit excavation to a depth of 4m. at Gelli Hair'dd Uchaf Farm, Tonyrefail	Approved 12/06/98
96/0083	Construction of single carriageway roads and roundabouts	Approved 30/09/96
93/0222	Retail petrol filling station, shop, diner, car wash and parking area	Approved 29/06/93
93/0915	Construction of single carriageway roads and roundabouts	Approved 30/09/94
74/1265	Tipping of household refuse and building material	Refused 07/06/76
74/0075	Use of land for tipping purposes	Refused 06/11/74

Related applications

15/0473	Industrial development of 9272 sq m. GIA (Reserved Matters)	Approved 06/08/15
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PUBLICITY

The application has been advertised by means of press notice site notices and neighbour notification letters and this has resulted in the submission of two letters expressing the following objections and concerns.

- The proposed development would take place on open space that is currently enjoyed by residents.
- Its development would appear to be a contravention of the requirement to protect or enhance the environment including wildlife habitats, trees and woodland parks and gardens – it would adversely impact on wildlife.
- PPS 3 states that good design should contribute positively to making places better for people and that design which is inappropriate in its context or which

fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

- Consideration must also be given to sustainability as public transport within the area is limited and opportunities for walking are limited given the position of the site relative to the bypass with limited footpaths making this an unsafe option – allowing the development would only further isolate and limit access to the area.
- The proposal if allowed would have a detrimental impact on the visual and residential amenity of the area as well as its character, given the lack of infrastructure, the density of the proposals representing an overdevelopment of the site and the layout, design, external appearance and landscaping proposals being inappropriate.
- The proposal would result in more noise and smell in the area.
- Highway safety would be compromised by greater traffic generation, inadequate highway capacity and inadequate access, visibility and car parking provision which adversely affects pedestrians and cyclists.
- The proposals are contrary to relevant Council and Government planning policies.
- The proposals if allowed would result in a loss of value to existing properties.
- Article 1 of the Human Rights Act states that “a Person has the right to the peaceful enjoyment of all their possessions which includes their home and other land.”
- The proposals will result in greater use of the local footpath network.
- Works undertaken to date have been a source of distress to some residents and what is now proposed would take place on a much larger scale.

CONSULTATION

Transportation Section – no objections subject to conditions.

Drainage – no objections subject to conditions.

Natural Resources Wales – no Response received within the statutory consultation period.

Dwr Cymru Welsh Water – no objections subject to conditions.

Countryside – indicate that there are no records of statutory protected species in the immediate vicinity of the application site.

Education – note that the education contribution will be through the Section 106 agreement secured through the grant of outline planning permission. In this case it will result in a contribution of £198,000 toward the improvement of school facilities in the Tonyrefail area there being 198 eligible dwellings in this scheme.

Rights of Way – acknowledge the presence of footpaths at the site boundaries and advise that they should be protected through the course of development.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy CS4 – defines housing land requirements.

Policy CS5 – requires the provision of affordable housing.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

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

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

Policy SSA 4 sets criteria for new residential and commercial development in Tonyrefail.

Policy SSA 11 sets a minimum housing density of 35 dwellings per hectare and gives criteria for accepting lower densities.

Policy SSA13 gives criteria for the consideration of housing developments within settlement limits.

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 4 (Planning for Sustainability),
Chapter 8 (Transport),
Chapter 9 (Housing),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

As the site has been the subject of an initial grant of outline planning permission under planning application 05/1017 which was then subsequently renewed under planning application 13/0350, it is considered that the principle of residential development on this site is well established. Further the application for the approval of reserved matters on this site does not offer the opportunity to revisit that particular issue. The key consideration in the determination of this planning application is therefore is the acceptability or otherwise of the submitted details in planning terms. In this instance approval is sought for 225 dwellings and all associated works.

Impact on the character and appearance of the area

The development of the site for a total of 225 dwellings will inevitably result in a substantial alteration to the character and appearance of the area. Though the site is a reclaimed plateau area it has been approximately 15 years since those works were completed and the site has reverted to an almost green field status as it has been repopulated by flora and fauna. This has resulted in the requirement for ecological work that is discussed below. Development of the site in the form of new built development and the re-profiling of the site to facilitate it will result in a shift away from the site being an open and unused field to it becoming a purposely designed and built residential area and this has consequences for the character and appearance of the area. The open field will be replaced with a formally laid out residential development that takes its cue from the garden city style of development with plentiful open space and relatively generous garden areas, set out in a series of character areas to give the site greater depth. but also with sufficient access and parking to meet the needs that a modern development would generate. The net result is that the appearance will change dramatically though this is to its initial intended purpose of becoming a residential area and it would do so in a manner that reflects and respects the eclectic mix of residential development styles that populate the Tonyrefail area. Similarly, residential development of the type proposed would add to the diverse character of the wider area and as such the proposal is considered to comply with the requirements of Local Development Plan Policies CS2, AW5 and AW6 insofar as they relate to this particular issue.

One resident has sought to argue that the design is in some way inappropriate and has cited planning Policy Statements 1 & 3 in that argument which relate to sustainability and design. Notwithstanding that the policy cited is England only (planning being a devolved function), the claim is not supported by any explanation of why they believe this to be the case other than to claim that the proposals

represent an over development of the site and the design is inappropriate. On these points the density of development is in fact relatively low at below 30 dwellings per hectare largely as a result of the extensive open space, the slope of the site, its boundaries surrounded by footpaths and the highway design being such that it can accommodate a bus route. Matters in respect of the house design are dealt with above. The argument in respect of sustainability is also extended into the highway safety issues discussed below.

Impact on residential amenity and privacy

The application site lies between the Mountain View development which was built 10 – 18 years ago and the more recent Redrow development at Parc Dan Y Bryn. The proposed dwellings are sufficiently distant from these developments to not present any issues in respect of privacy and amenity. Internally distances of 20m and 25m between the rear of properties and 15m between the fronts of properties are maintained where they directly face each other. The layout is such that directly facing arrangements have been kept to a minimum with greater emphasis on active frontage, turning corners and the provision of public open space making the overall development acceptable in terms of amenity and privacy. This is then augmented by the fact that the site will be developed in a series of character areas.

Access and highway safety

The Transportation Section note that a Transport Assessment was considered at the outline planning permission stage and that any mitigation issues identified have either been implemented or conditioned as part of the outline planning permission. They conclude that whilst there are some issues in terms of specific detailing in the current proposal that require resolution that raise a certain level of concern, these are matters that can be adequately addressed through the judicious use of conditions.

The road system through and around the site has been designed to maximize permeability within around and through the site to encourage walking and this is extended into the links through to the public footpath along the northern boundary of the site. Whilst one of the objectors has been critical of the current lack of linkages with the wider community they have failed to recognize that the introduction of this development would substantially improve the situation rather than detract from it.

Ecology

The ecology of the site, despite the lack of SEWBREC records showing any protected species has been the source of some concern to residents and also to the Council's ecologist. To that end the applicants have provided an updated ecological appraisal which specifically addresses a number of concerns and makes a series of recommendations including that any approval for the site should include provision for a Construction Environmental management Plan (CEMP) that includes the protection of the Nant Eirin Watercourse and adjacent habitats, ecological mitigation and management plans for the development of longer term phases and that opportunities to link with wider biodiversity strategies for the area should be followed. These are matters that can be conditioned for as they are site specific rather than issues of

principle. There is no suggestion at all that the development of the site should be resisted for ecological reasons as an objector has suggested.

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.

One resident has made reference to the infrastructure in the area being inadequate to serve further development of the amount and type sought. No indication is given as to where they believe the deficiency lies though the highway is alluded to. Responses from consultees received in respect of this application for the approval of reserved matters and the earlier grant of outline planning permission suggest that this is clearly not the case.

The loss of property value is not a planning consideration.

Article 1 of the Human Rights Act relates to the peaceful enjoyment of possessions. As such the state should not interfere with the peaceful enjoyment of property, deprive a person of their possessions or subject a person's possessions to control. However there is no violation of this right if such interference, deprivation or control is carried out lawfully and in the public interest. Whilst the objector implies that the word "land" might extend beyond that which might be in their control, approving this proposal would not constitute a violation of that right.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 and Community Infrastructure Levy requirements in this case

This is an application for reserved matters approval and as such there are no section 106 requirements those having been secured under the earlier grant of outline planning permission.

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the delivery of new residential development within defined settlement limits, and the proposals would not prove detrimental to any other policy considerations. Further, the proposals if consented will prove helpful in the delivery of numbers for the housing land supply purposes and would also deliver a considerable amount of much needed social housing.

RECOMMENDATION: Grant

1. The consent hereby granted relates to the following plans: –
 - The landscape strategy drawing no. 1072IND/SK/01.
 - Landscape treatments drawing no. 1072 Seren/SK02.
 - Green & play spaces drawing no. 1072 Seren/SK/04.
 - Site layout drawing no. TP-01 Rev B received 23rd July 2015.
 - The external works drawing no. EW-01 Rev C received 29th July 2015.
 - House finishes drawing no. HF-01 Rev B received 23rd July 2015.
 - Canopy profiles drawing no. 1497 SOC/01.
 - Bay profiles drawing no. 1497 SOC/02.
 - Dormer profiles drawing no.1497 SOC/03.
 - Various components drawing no. 1497 SOC/04.
 - Chimney details drawing no. 1497 SOC/05.
 - Three storey apartments drawing no. 1497 FL15m.
 - House type 01 drawing no 1497 HT-1-B Rev A 6th July 2015.
 - House type 01 drawing no.1497 HT-1-RF Rev A 6th July 2015.
 - House type 02 drawing no. 1497 HT-2-B Rev A 6th July 2015.
 - House type 02 drawing no. 1497 HT-2-RF Rev A 6th July 2015.
 - House type 02 drawing no. 1497 HT-2G-RF Rev A 6th July 2015.
 - House type 3 drawing no. 1497 HT-3-B Rev A 6th July 2015.
 - House type 3 drawing no. 1497 HT -3-RF Rev A 6th July 2015.
 - House type 4 drawing no. 1497 HT-4- B Rev A 6th July 2015.
 - House type 4 drawing no. 1497 HT-4-RF Rev A 6th July 2015.
 - Flat over garage drawing no.1497 HT-10A-B.

- Flat over garage drawing no.1497 HT-10-B.
- Flat over garage drawing no 1497 HT-10-RF.
- Flat over garage drawing no. 1497 HT-10A-RF.
- House type 12 drawing no. 1497 HT-12 Rev A 6th July 2015.
- House type 18 drawing no. 1497 HT-18 Rev A 6th July 2015.

Reason: for the avoidance of doubt as to the approved plans.

2. Details of any boundary treatments to be applied to the green and play spaces approved under drawing no. 1072 Seren/SK/04 shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation on site.

Reason. To ensure an appropriate means of enclosure is used as these details are not included on the approved drawing.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road, footway or footpath without the prior express permission of the Local Planning Authority.

Reason: To preserve the open plan character of the housing layout in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No works shall commence on site, other than works of site clearance and preparation until full engineering design and details of the junctions with Wilfried Way and internal road layout including sections, street lighting, highway structures, retaining walls, traffic management measures, turning facilities, shared pedestrian/cyclist facilities, public transport infrastructure, footways, link footpaths, hard margin strips and associated works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. No works, other than for works of site clearance and preparation, shall commence on site until full engineering details of the private shared accesses, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of any dwelling served by the private shared access.

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

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

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

7. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

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

8. No works of site clearance or preparation shall take place during the bird nesting season.

Reason: in the interests of protecting and maintaining biodiversity.

9. Notwithstanding the landscaping details hereby approved, insofar as it is practicable soils and seed sources currently present on site shall be incorporated within the approved landscaping scheme.

Reason: In order to protect and ensure continuity in biodiversity through the development process.

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APPLICATION NO: 15/0667/10 (DJB)
APPLICANT: Mr R Baron
DEVELOPMENT: Remove existing 2 no. ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above). The 12 no. portacabin units to be used as additional working floorspace for the Cynon Vale Medical Practice, in conjunction with the existing surgery and retained for a temporary period of no more than 3 years. (Amended plans received 22 June and 15 July 2015). (Revised description of development 28 July 2015).
LOCATION: CYNON VALE MEDICAL PRACTICE, 8 CARDIFF ROAD, MOUNTAIN ASH, CF45 4EY
DATE REGISTERED: 22/06/2015
ELECTORAL DIVISION: Mountain Ash East

RECOMMENDATION: Approve (Temporary for max. of 3 yrs)

The site lies within a mixed use area of Mountain Ash, with both residential and commercial uses in proximity of the application site. The proposed development is a significant addition to the existing building and in design terms is not considered to represent an ideal form of development. In addition the provision of off-street parking is limited. However, it is acknowledged that there is an urgent need for additional floorspace at the surgery and on the basis that the permission is proposed on a temporary basis (maximum of 3 years) the balance of planning judgement supports a positive recommendation.

APPLICATION DETAILS

Full planning permission is sought for the provision of 12no. portacabin type modular units to the rear of the Cynon Vale Medical Practice surgery. Two modular units which are currently on the site will be removed. The existing link from the surgery building into the currently sited units will be retained to provide staff and patient access to the new accommodation proposed.

The units are to be arranged with 6no. at ground floor level and 6no. above at first floor level. The depth of the 'block ' created would be 12.1m and the width 9.03m (each of the 12no. units is 6.05m x 3.05m in size). The height of the flat roof units is 2.72m, so the height of the two levels would be 5.44m. The eaves level of the building are at a height of approx 6m.

The proposed accommodation would provide the space for:

Ground Floor - patient WC facilities, three store rooms, two doctor's consulting rooms, GP room and a treatment room

First Floor – staff WC facilities, practice manager's office, two medical records storage rooms, store room and two administrative rooms. (The first floor will be staff only, with no patient access).

Glazing (which will be covered with security shutters) is proposed on all three outward facing elevations at ground and first floor. In addition a ground floor fire exit door is proposed in the north western side (side facing former Nazareth Church) and first floor fire exit door with stairs down is to be site against the rear elevation (facing towards to River Cynon).

The submitted plans indicate the provision of 3no. on-site parking spaces to the southern eastern (car park) side of the surgery.

In support of the application the submission includes:

- A letter signed the two Doctor Partners of the Practice in which they confirm that last year the Cardiff Road Surgery merged with the Miskin Surgery (which is now closed) giving a combined patient list of some 4,500 patients. However, the Cardiff Road Surgery is constraining the Practice in a significant way because of the lack of room and the ability to deliver health services in a efficient way . It is indicated that the problems associated with the lack of space and facilities have resulted in staff leaving. In addition without the new space proposed it would be difficult to appoint new GPs and nurse/health care assistant.
- A letter from the Head of Primary Care at Cwm Taf University Health Board (UHB) confirming that 3 year funding has been secured for the proposed additional accommodation. It is indicated that current working conditions at the Practice are very difficult due to the lack of space and that the proposed expansion will provide a much improved environment for patients, staff and the local community. Further, it is indicated that the long term plans that the UHB has for GP services in Mountain Ash will be to provide a purpose built Surgery to house all the GPs that currently work in the area.
- A copy of a petition (containing 526no. signatures) was enclosed with the letter referred to above. This petition is headed 'Patient Support for the Planning Application to temporarily extend Cardiff Road Surgery.....I would like to support the Surgery's application to temporarily extend the Cardiff Road Surgery by replacing the existing portacabin with a larger one that provides more room for the practice....'
- photographs of the Council's Old Cardiff Road Car Park to the south east of the surgery and Cardiff Road frontage itself.

It is understood, since receipt of the application, that the Practice have recruited three additional GPs to work (starting in September and October 2015) at Cynon Vale, but they needed the proposed accommodation in order to provide the space for them to work from.

SITE APPRAISAL

Cynon Vale Medical Practice is accommodated within 8 Cardiff Road, a former residential detached property, of a relatively modest size, which stands on the south western side of Cardiff Road, approximately 50m down from the junction with Ffrwd Crescent. The surgery building fronts directly onto the back of the pavement running across the front. An overgrown (former garden) area lies to the rear of the surgery

building and two existing modular units. Between the rear boundary and the River Cynon (a distance of some 15m) is a strip of somewhat overgrown grassed ground, the riverside footpath and the river bank.

The south eastern side boundary between the surgery site and the Council's (Old Cardiff Road) car park and part of the rear boundary is defined by a block work wall approximately 1.35m in height. There is also some unmaintained self seeded vegetation growing across the rear boundary with a single tree close to the side boundary wall.

A gap wide enough to provide room for a vehicle to drive between lies between the surgery building and the former Nazareth Church to the north west. Planning permission (05/0499) was granted in 2005 for the change of use of the attic space of Nazareth Church into residential living accommodation (an earlier application (03/1022) had secured planning permission to change the use from a church to a weights and fitness gym).

On the opposite side of Cardiff Road lies 7 Cardiff Road, which stands between the two motor vehicle commercial uses of Mountain Ash Motors (to the south east and accessed from the New Road side frontage) and Cardiff Road Garage, who provide car servicing/repairs/exhaust fitting/MOT testing etc..(to the north west).

There are double yellow line parking restrictions on Cardiff Road, however these only extend approximately 10m back from the junction with Ffrwd Crescent. Accordingly, there are no parking restrictions outside any of the properties (the surgery/former Nazareth Church/7 Cardiff Road/ Cardiff Road Garage/Mountain Ash Motors) in Cardiff Road.

The land to the rear (from the rear elevation backwards towards the river) and to the south eastern (car park side) of the surgery building is within the ownership of the Council. The applicant has served the appropriate notice on the Council and submitted the correct Certificate 'B' ownership certificate.

PLANNING HISTORY

05/0152: Temporary siting of modular buildings at rear of existing building giving two consulting rooms, one treatment room and disabled WC.

Cond. Perm. 14 April 2005

PUBLICITY

The application has been advertised by means of site notices erected in the vicinity of the site and individual neighbour letters. Two emailed letters were received in respect of the first round of notification. The objections and concerns raised therein are summarised as follows:-

- Old Cardiff Road is already congested and we regularly experience difficulties having goods delivered. The additional patient numbers at the surgery will only increase traffic congestion for the businesses already on Old Cardiff Road;

- The plans submitted are unclear and misleading;
- The proposed portacabins will overlook the main access door into our property and our land to the rear;
- The Miskin, Penrhiwceiber surgery closed in May 2014 and since then, with patients moved to 8 Cardiff Road, the road has become very busy;
- The Old Cardiff Road car park is already very busy as it is free and people park in this car park or on Old Cardiff Road itself to avoid paying for parking in the town;
- Large delivery vehicles, emergency vehicles and the Council's own refuse lorry already has problems getting access down Old Cardiff Road;
- The original 2005 permission was for a temporary permission only but those two portacabins are still there;
- Will impact on our own ability to park next to our property;
- The existing property, 8 Cardiff Road is clearly not fit for purpose and the proposed portacabins will more than double the size of the surgery;
- A new one for all medical centre at the bottom end of Mountain Ash, near the bus and train stations would be better for the community.

Following the receipt of additional and revised plans a further round of neighbour notification has been undertaken. Any further responses will be reported orally at the meeting.

CONSULTATION

Transportation Section – no objections are raised, subject to conditions.

RCT Flood Risk Management Section (Drainage) – with reference to Natural Resources' Wales Development Flood Advice Maps, the site is located within Flood Zones B and C or is identified as being within an area susceptible to surface water flooding. In this instance, I would recommend that the Planning Authority should consult with the Natural Resources Wales.

In the event that the Planning Authority is minded to grant Planning Consent for this application it is recommended that a condition be imposed requiring that drainage details be agreed to ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment or existing infrastructure.

Natural Resources Wales – no response received as time of preparing this report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The LDP Proposals Map identifies the site as lying inside defined settlement limits.

Policy AW2 – development will generally be supported in sustainable locations within settlement boundaries (or in the Northern Strategy Area in accordance with policy AW12)

Policy AW5 – identifies the design criteria (under the headings of Amenity and Accessibility) for new development.

Policy AW6 – supports development that promotes high quality design and place-making.

National Guidance

Planning Policy Wales (Edition 7, July 2014)

Section 4.2 sets out Welsh Government's aim to ensure that planning decisions have regard to the need to take account of sustainable principles.

Section 4.10 seeks to promote sustainability through good design.

Section 8.1 requires that development is accessible by means of a range of modes and not just the private car.

TAN12: Design (July 2014)

TAN18: Transport (March 2007)

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.

PLANNING CONSIDERATIONS

Main Issues

It is considered that the main issues in the assessment of this application are:

- the principle of the development and the planning policy context;
- the impacts of the development in terms of neighbouring residential amenity and the wider visual amenity; and,
- the implications for traffic and parking conditions in the vicinity of the site.

The principle of the development

The site lies within the defined settlement boundary of Mountain Ash, within a mixed use area where both residential and commercial uses are present. The application is considered to be compliant with policy AW2 of the Local Development Plan and in principle there is no objection to the extension of the existing doctor's surgery building.

Impacts on amenity

Wider visual amenity

The proposed of 12no. modular units would be put together to in effect form a single flat roofed block.

As noted previously the surgery building itself is relatively modest in size. The footprint of the building measures approximately 8.3m x 8.5m (in reality the building is not built square as the front elevation is 8m wide, whilst the rear elevation is 8.9m) giving a floor area over the ground and first floors of approximately 140sq.m. It is understood that patients only use the ground floor of the building (patient waiting room/reception/treatment room/consulting room), with the first floor used by the GPs and staff for meeting and administrative purposes only. The new floorspace that would be created by the proposed units would amount to an additional 218sq.m. (over two floors). This represents an increase of 155%.

As is noted earlier in this report there are currently two portacabin type modular units (providing a further 57sq.m. of ground floor floorspace) forming a single block on the site to the rear of the surgery building. The submitted plans confirm that this space, which is all at ground floor, provides for two further consulting rooms, WC (inc. disabled) facilities and a further treatment room. Planning permission (05/0152) was granted for these units on 14 April 2014. However, a condition (no.2) was imposed on that permission that the units be removed from the site no later than 30 April 2010. No subsequent application was received to extend the period allowing them to be sited at the site, but they remain in situ and in use as part of the surgery.

The proposed block of units will project just in excess of 12m back from the rear elevation of the surgery building. The elevations will contain security shuttered windows on all the three outer sides. It is considered that the proposed 'block' of units has little merit in design or aesthetic terms. The necessary addition of a steel fire escape staircase up against the rear of the block will add to the purely functional form of the addition.

The site is relatively open to the rear. Therefore whilst the additions are to the back and not in the 'streetscene' as such, it is considered that the proposed units would be clearly seen from views within the Council's Old Cardiff Road car park to the south east, from the riverside walk/footpath to the rear of the site and by pedestrians (to a lesser extent drivers as most would be lower down) using the old town bridge, which crosses in relatively close proximity, as they may walk over the River Cynon to/from the main commercial centre of the town.

Policies AW5 and AW6 of the Local Development Plan both require new development to be of a scale, form and design that respects the context of the setting and would not adversely impact on the character and appearance of the surrounding area. It is difficult to argue that the proposed development is compliant with the aims of these policies in these respects. However, permission is sought on a temporary basis (for a maximum of 3 years) and therefore adverse visual impacts will be for a limited period only. Also, it is recognised that the Practice are in desperate need of additional floorspace at this site having merged with and closed the sister surgery in

Miskin. As such it is considered that there would be benefits to the wider community if the surgery could provide a full and more efficiently delivered service of health care for its patients. On balance therefore, it is not considered appropriate to raise an objection to the application on the basis of policies AW5 and AW6.

Residential amenity

In terms of its impact on residential amenity it is considered that the only occupiers who would be affected are the family who live in the former Nazareth Church. Whilst the proposed block will project back 12.1m the back of the surgery stands approximately 6m forward of the rear (albeit it is a side wall) of the former church. Accordingly, the projection beyond this wall will be only 6m. No glazing is proposed, either at ground or first floor in the rear most units on the side facing the former church. In addition, it is not considered that any glazing within the former church would be impacted upon. The main door providing access to the former church faces the side of the surgery, but it is not considered that the proposed additions will lead to any significant change to the current circumstances.

The condition of the land to the rear/side of the former church appears little used at present and does give the appearance of being used as a private garden/amenity area. However, that is not to say that the occupiers may not wish to use it as such. The proposed additions at the surgery would be clearly visible from the is area and it is considered would have some impact on the residential enjoyment of using this area.

In considering policy AW5 of the Local Development Plan it is not considered that the proposed units would impact on the residential amenity of the occupiers of the former Church to such a significant extent that would justify a reason to refuse permission.

Highways and parking

The applicant's submission makes reference to the Council's adjoining (Old Cardiff Road) free car park within the Design and Access Statement. In addition, a set of photographs have been provided which show views of the car park and Cardiff Road.

The Council's Old Cardiff Road car park provides free parking and contains 28no. standard car parking spaces and 3no. disabled parking spaces. It is not known at what time the photographs taken and supplied by the applicant were taken. However, they show only two cars parked in the car park. In addition the photographs of Cardiff Road itself show only 3no. vehicles parked on the carriageway. At the time of your officer's site visit (between 9.00am and 10.00am) there were significantly more cars parked on Cardiff Road and the car park was approximately 80% full.

The 'Publicity' section of this report acknowledges that within the letters of objection received to date concerns are raised regarding the current demand on car park parking, the high levels of on-street parking and existing difficulties with access along Cardiff Road as a result.

With the additional 3 GPs (to start in September and October, as noted earlier in this report) the Transportation Section have indicated that the parking requirement for the surgery would be a maximum of 24 spaces (5 operational spaces and up to a maximum of 19 non-operational spaces). The SPG parking requirements have regard to the fact that sites (within Zone 2) such as this, within built up urban areas often have limited opportunity to be able to provide parking facilities. It is recognised that the application site is within close proximity to the town centre of Mountain Ash and is well served by regular and frequent bus services and in addition is also close to the town's rail station.

The submitted plans indicate the provision of 3no. car parking spaces down the south eastern (car park) side of the surgery building, between the pine end of the building and the proposed units/block and the side boundary wall. This area (which forms part of the land in the Council's ownership) is currently unused and somewhat overgrown. It is narrow at only approximately 2.7m wide at the point between the pine end and the wall. Therefore, whilst there is sufficient room to park the 3 cars proposed it is anticipated that these spaces would be used by staff, who may leave their cars there for the best part of the day and not patients.

The Council's Transportation Section has carefully considered the application and recognise that whilst there are no parking restrictions on Cardiff Road on-street parking to the front of the surgery (on Cardiff Road) would impact on the free flow of traffic to the detriment of safety of all highway users and the free flow of traffic.

The Transportation Section indicate that there is some concern over the shortfall in parking provision and potential reversing movements onto Cardiff Road. However, it is recognised that 3no. on-site spaces are to be created, which together with the very close proximity of the adjoining car park and the fact that the site lies within a sustainable location, close to Mountain Ash town centre means that, on balance, no highway objections are raised.

Other Issues

The Council's Flood Risk Management (FRM) Section have not raised objection to the application, subject to the imposition of conditions relating to the confirmation of drainage details.

NRW have been consulted in respect of the application, but at the time of preparing this report no response has been received. Members will be orally updated at the meeting in this respect of NRW's observations.

The report does refer to the fact that the land on which it is proposed to site the proposed units and provide the 3no. car parking spaces is Council owned. For clarity, this is not an issue for the consideration of the planning application but a matter which is being dealt with by the Council's Estates Section.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusions

It is acknowledged that the proposed development is not without its deficiencies, with regard to its size, form and functional appearance and limited provision for off-street parking. However, the Practice is currently severely hampered by its lack of space on this site. The provision of the proposed floorspace would result in an enhanced health facility for the residents of Mountain Ash and the surrounding area, who are patients at this surgery. It is recognised that the commitment to the health and well-being of the residents of County Borough is an over-arching aim for the Council at all levels and across all areas of service provision. Therefore, on balance, and having regard to the fact that the application seeks a temporary permission the application is recommended for approval (for a maximum of 3 years).

RECOMMENDATION: Grant

1. The permission hereby granted is for a temporary period (maximum of 3 years) only and the 12no. portacabin type modular units (and associated fire escape staircase) hereby approved shall be wholly removed from the site no later than 3 years from the date of this permission. The site shall be restored, within a timescale and to a condition both to be agreed, in writing by the Local Planning Authority prior to the removal of the 12no. portacabin type modular units from the site.

Reason: It is not considered that the proposed development would be acceptable were it to be permanent having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

2. The development hereby approved shall be carried out in accordance with the following approved plans/drawing nos. :
 - OS Base Red Line Application Site Plan (dated received 22/06/15)
 - Existing building and portacabin plan/elevation
 - Proposed ground and first floor plan (dated received 15/07/15)
 - Proposed elevations (dated received 15/07/15)
 - Car parking for 3 cars

Reason: In order to define the extent of the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

3. Prior to the additional temporary accommodation hereby approved being brought into beneficial use the 3no. on-site car parking spaces, as shown on plan (Car parking for 3 cars) shall have been provided and the parking spaces be available for use. The parking spaces shall be retained for the parking of vehicles thereafter unless agreed in writing by the Local Planning

Authority.

Reason: To ensure that vehicles can park off the highway, in the interests of road safety and in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety.

5. Prior to the commencement of development details of traffic management to be provided at the site during the delivery and assembly of the portacabin modular units and the creation of the parking spaces shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the temporary accommodation hereby approved being brought onto the site full details confirming drainage details confirming the provision for surface water run-off will be submitted to approved by the Local Planning Authority. The drainage arrangements shall be installed and maintained in accordance with the approved details.

Reason: To ensure that drainage from the proposed development does not have any adverse impacts on the development site or adjoining property having regard to policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	15/0857/16	(GD)
APPLICANT:	Llanmoor Development Co Ltd	
DEVELOPMENT:	Erection of 77 no. 2, 3 & 4 bedroom properties and all associated works.	
LOCATION:	LAND AT ELMS FARM, OFF STRYD SILURIAN, LLANHARRY, PONTYCLUN CF72 9GB	
DATE REGISTERED:	23/06/2015	
ELECTORAL DIVISION:	Llanharry	

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development has been established through the earlier grant of outline planning permission under application 14/0893 and the current details are otherwise considered acceptable.

APPLICATION DETAILS

The application seeks reserved matters approval for the development of 77 no. houses at the Elms Farm site in Llanharry outline planning permission having been previously granted under application 14/0893 on 18th December 2014. The current submission seeks approval of access, appearance, Landscaping, layout and scale and will be made up of the following mix of housing

Open market housing

4no. two bedroom houses
33no, three bedroom houses.
25no. four bedroom houses.

Low cost home ownership housing

6no. two bedroom houses

Social rented housing

6no. one bedroom apartments (Two storey walk up units)
3no. two bedroom houses.

All of the proposed dwellings will be of conventional two storey construction. The dwellings will be built in combinations of Ibstock Hardwick Lenton and Ibstock Minster Beckstone brick with occasional use of cream through coloured render on selected front elevations,. All roofs will be in Marley Modern slate grey tile. All of the screen walls will be in the Ibstock Hardwick brick with blue brick banding and elsewhere boundary treatments will be in a combination of close boarded fence and post and wire fencing appropriate to location

Access to the development will be achieved through the formation of a road from Stryd Silurian at a point on the bend opposite an area of public open space. The road divides in the site to form two extended cul de sacs with raised traffic calming platforms at key locations to maintain an acceptable level of highway safety. There are no private drives within the development. Car parking will be achieved through off road provision to an amount commensurate with the requirements of the houses and apartments proposed making use of a mix of garages and off road parking spaces.

An area of public open space with some play provision will be located centrally within the development and it will serve the wider Elms Farm community. Garden areas will be laid to lawn and the wider landscaping of the site will be achieved through the incorporation of the existing hedgerows into the scheme where possible and through further enhancing structural planting.

The application is accompanied by the following:

- Design and Access Statement:
- Construction Method Statement

SITE APPRAISAL

The site subject of the current application comprises an L shaped area of some 2.36 hectares of land located at the south eastern extent of the village of Llanharry. The land is undeveloped and unimproved agricultural land used mostly for grazing. The site is well defined by existing housing located to the north and west with the M4 motorway to the south and a hedgerow and lane on its eastern boundary. The site is relatively flat though there is a fall towards a central point on its southern boundary. Though the site abuts the motorway on its southern side a strong tree and hedgerow belt also sits between that boundary and the road itself. The site currently sits within its own field boundaries with access from Stryd Silurian. The site remains as it was at the time the outline planning permission was before Members, other than for some preparatory work relating to the protection of hedgerows and ecological mitigation at the site.

PLANNING HISTORY

14/0893	Residential development (outline application)	Approved 18/12/14
04/2333	Residential Development of 70no. Dwellings & Associated Works (Outline Application)	Refused 14/06/06
01/2749	Demolition of Existing Agricultural Buildings and Residential Development (Outline Application)	Refused 19/10/01
01/2118	Demolition of Existing Barns & Stables and Residential Development Outline Application)	Withdrawn 01/05/01
97/2079	Demolition of Redundant Agricultural Buildings and Residential Development (Outline Application)	Refused 05/01/99
90/0627	Residential development	Refused 25/10/90

PUBLICITY

The application has been advertised by means of press notice site notices and neighbour notification letters. A total of six letters have been submitted with three identical letters of objection from the same address being submitted one of which has the names and addresses of three other residents on it raising the following concerns –

- There is a general criticism of an alleged lack of advertising of the current proposals with specific reference to the fact that no neighbour consultation letter was sent to the objector's property. The objector also makes a point that

the alleged lack of publicity of the proposals gives the appearance of collusion between the Council and the developer.

- One resident points out that they fought against the development of the site a few years ago and won because the site is designated green belt.
- The objectors regard the application site as aesthetically pleasing and it is home to a variety of wildlife and represents an ecosystem that would be lost forever if the site is developed.
- The scale of the development is considered excessive and is designed to the sole benefit of the developer with no consideration of residents or the indigenous flora and fauna.
- The development of houses directly on to Clos Pupren will lead to a loss of visitor parking space.
- The proximity of the proposed driveway of plot 1 to the fence on 8 Clos Pupren would lead to the established resident feeling unsafe as it has previously blown down in high winds
- The residents of Clos Pupren would lose their bin collection area
- The privacy of gardens in Clos Pupren that back onto the site would be lost to overlooking and overshadowing.
- There is some specific criticism of the layout fronting on to Stryd Silurian and Clos Pupren in the case of the latter it is suggested that plots 1- 4 should be re orientated to face into the site and plot 12 removed to allow access to them.
- The remainder of the existing consented development at Elms Farm is yet to be built out and this itself will result in an overload of additional vehicles using a single point of access which in turn leads to queuing and traffic chaos at peak times along with unacceptable traffic noise..
- The proposed development will then only serve to compound the problem identified above which will lead to gridlock.
- The amount of on street parking at Stryd Silurian is increasing (particularly in terms of commercial vehicles) and this serves to restrict visibility for other road users and displays a distinct lack of parking serving the development. This will only get worse with the completion of the existing consented development and allowing the current proposal would exacerbate the situation to the point where it would become dangerous and would lead to accidents.
- The increase in numbers will increase queuing at the junction of Stryd Silurian with Llanharry Road which would lead to longer wait times and drivers becoming impatient which in turn would lead to further accidents. Further, Llanharry Road is increasingly known for vehicles speeding and any risk assessment of the situation would suggest that the proposed development should not proceed.
- The objectors homes already experiences high levels of traffic noise which with the development would only increase and this in turn would lead to a decrease in property values.
- The increased traffic generated by allowing this further development would also have an adverse impact on the wider highway network in respect of Llanharry Brynsadler and Pontyclun increasing congestion increasing unacceptably long delays at peak times.
- The development will also increase the strain on other public service areas of provision such as doctors' surgeries, schools and hospitals.

- There are too few parking spaces in the Pontyclun railway station car park
- The development should only be allowed if there is no negative impact on existing development and should be of benefit to the community as a whole including flora and fauna.
- The Council and/or the Welsh Government should undertake an independent report on the ecology of the site.
- The objector requests that his letter be circulated to all residents of the site so that they are aware of the proposals and their likely impact.
- On earlier phases of the Elms Farm development the developer or their sales agent gave the impression that the current application site would never be developed.

CONSULTATION

Highways – raise no objection with all appropriate conditions having been previously applied at the grant of outline planning permission.

Drainage – no objections subject to conditions

Public Health & Protection – no objections subject to compliance with planning conditions imposed on the outline planning permission.

Natural Resources Wales – no objections

Wales & West Utilities – raise no objection to the proposed development and provide details of the location of their apparatus in the vicinity of the application site along with details of safe working practices to be adopted when working in the vicinity of it.

South Wales Fire and Rescue Service – no observations received

Countryside Section – have no further comment beyond that made at the outline application stage and raise no objections to the proposals.

Leisure – have no further comment beyond that made at the outline application stage and raise no objections to the proposals.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy CS5 – sets out the Council's objectives in the delivery of affordable housing.

Policy AW1 – sets criteria for the delivery of new housing in accordance with the strategy and objectives of the local development plan.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW4 – States the type of community infrastructure and planning obligation contributions that the Council will be seeking in relation to development proposals.

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

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

Policy AW8 – sets out policy for the protection and enhancement of the natural environment, including that proposals should not result in harm to sites with recognised nature conservation interest or have an unacceptable impact on features of importance to landscape or nature conservation.

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

Policy SSA11 – sets a minimum density requirement of 35 dwellings per hectare for the southern strategy area of the County Borough.

Policy SSA12 – seeks the provision of 20% affordable housing on residential developments of five dwellings or more.

Policy SSA13 – gives criteria for housing development within settlement boundaries and supporting paragraph 6.160 states that development will not be permitted outside the proposed settlement boundary.

Policy SSA22 – states that development that would prejudice the open nature of land in green wedges will not be permitted.

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 5 (Conserving and Improving Natural Heritage and the Coast),
- Chapter 8 (Transport),
- Chapter 9 (Housing),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;

- PPW Technical Advice Note 18: Transport;
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

This application seeks consent for the approval of reserved matters following the grant of outline planning permission for the development in December 2014. Consequently, the principle of the proposed development has been accepted and it is no longer appropriate to raise policy issues that relate to matters of principle. However policies such as AW5 and AW6 (as quoted above) remain relevant and the Reserved Matters submission must still be able to demonstrate compliance in their details to those policies. It is therefore considered that the key determining factors in respect of the acceptability or otherwise of the current proposal are the impact of the proposals on the character and appearance of the area, the impact of the proposals on residential amenity and privacy and access and highway safety issues.

One resident argues that the site is green belt (it is not it is green wedge) and that the development of the site had been resisted on that basis a few years ago. This though is an issue of principle that was fully addressed under the outline planning application (14/0893) and it would be inappropriate to revisit this issue under the reserved matters submission.

Impact on the character and appearance of the area

In accepting the principle of development in the grant of outline planning permission there is a tacit acceptance that an appropriately designed scheme could prove acceptable in terms of its impact on the character and appearance of the locality. In this instance, the developer is proposing the construction of 77 dwellings ranging from one bedroom flats through to four bedroom detached houses, all of which are of conventional two storey construction and built in traditional materials. This approach to development is reflective of the rest of the Elms Farm development and in no way out of keeping with its character and appearance, though admittedly this is the first time that flats have been included on the site and the first time that there has been any social housing provision on the development. These latter elements add diversity to the general mix on the site and are to be encouraged as they will lead to the provision of a more diverse and inclusive development.

Whilst the objectors regard the current condition of the site aesthetically pleasing, this issue is more one of principle that was dealt with at the outline planning

application stage and it is not appropriate to give further consideration to the point in the context of a reserved matters proposal.

Impact on residential amenity and privacy

At the time that the outline planning application was approved the applicants produced an illustrative layout that indicated how the site might be developed. That has now been worked up into the reserved matters submission and provides detail on how the site will be developed moving forward. The proposed housing, largely as a result of the fact that it takes on the appearance of what has been built in the earlier phases of the Elms Farm development, is considered acceptable in terms of its impact on privacy and amenity, within the development acceptable distances are maintained between the proposed dwellings and in terms of distances between existing and proposed development, at a minimum (in respect of a single proposed dwelling fronting on to Clos Pupren) this will be 15m where houses will be built back to back with Clos Pupren a distance of 21m will be maintained which accords with the rest of the existing development.. The proposals also introduce a strong element of frontage development along Stryd Silurian where a total of twelve houses will face the street, this is to be welcomed as it will improve passive surveillance of the main site access and through its very presence will also have a calming impact on traffic moving through the site. All of the houses will have an open forecourt approach with private garden areas to the rear which respects the established convention in this neighbourhood. The area for public open space to serve the wider development and the introduction of a local equipped area for play on to it will add to the amenity of the area and the fact that it is overlooked by five of the proposed houses will mean that it will be appropriately surveilled. The suggestion of reorientation of the four plots at Clos Pupren is unnecessary and misplaced, the proposed dwellings maintain a better relationship with that street by facing it rather than turning their back on it

The proposals also involve the provision of public open space that will serve as a location for the provision of an equipped area for play. This will undoubtedly prove beneficial to the development currently proposed and the wider neighbourhood. Given the above the site would be delivered at a scale that is demonstrably acceptable in planning terms in a manner that respects both the existing and consented development and the ecology of the area.

Access and highway safety

Members will recall that the outline planning permission granted for the development of this site was accompanied by a Transport Statement the content and recommendations of which on examination were considered acceptable by the Transportation Section. Consequently objection could only be raised in highway terms to the current proposals if the specifics of the proposals are unacceptable in highway terms. The highways section have considered the current submission and have confirmed that the detailed proposals as submitted are acceptable.

In highway terms the objectors have made their position clear in that they consider the current situation bad, the building out of the rest of the originally consented Elms Farm development will make that situation worse and allowing this proposal will make matters unbearable in their view. However, the Transport Assessment has

already established that in highway terms the road are capable of accommodating the additional development. Furthermore, all of the development that has taken place to date has been undertaken providing the appropriate required amount of car parking space and that will continue to be the case with the current development. The objectors claim that there is an under provision of car parking to serve the established development, at the time those houses were built they were constructed in accordance with the parking guidelines applicable at that time and if the situation has worsened as a time has passed this is largely a result of the number of established houses that have converted garages to living accommodation which the current proposals cannot be expected to compensate for. Stryd Silurian and Clos Pupren need to be considered and accepted as streets which serve residential property rather than a road from A to B and as such some on street parking and indeed the now proposed development fronting that street will have the effect of reducing traffic speeds and making it safer. Members will also note that the objectors make reference to the impacts on the wider highway network with particular reference to the junction of Llanharry Road and Brynsadler Hill and they are reminded that the Section 106 agreement secured in respect of the outline planning permission on this site secured a financial contribution of £28,000 towards the improvement of this junction in addition to a transport tariff to be calculated on the basis of the 77 dwellings now proposed. The reference to a loss of visitor parking space is in fact a reference to an area of Clos Pupren that is not currently fronted by residential development and not actually a loss of dedicated parking space. Similarly the reference to the safety or otherwise of the fence adjacent to a proposed drive is entirely a private and personal matter than a planning or highways consideration

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.

Matters pertinent to the ecology of the site were fully addressed at the outline planning application stage where subject to the imposition of appropriate conditions, the proposals were deemed acceptable. Despite the concerns now expressed by the objectors, both Natural Resources Wales and the Council's Ecologist have indicated that they have no further comments to make on the issue as the findings of the initial report in respect of the site remain valid.

The issue of noise in respect of the location of the site and in terms of what it might generate was appropriately considered at the outline planning application stage and the findings of the submitted noise assessment were considered acceptable by the Public Health and Protection Section. This remains the case despite the concerns expressed in respect of the issue by the objectors.

Notwithstanding the point that Health Boards approach the issue of provision of services such as doctors surgeries on a predict and provide basis and additional provision of housing would make additional service provision in the locality therefore more likely, no consultee has raised concern on this point and in light of the fact that there is adequate hospital and school provision to serve the development this is not a concern that could adversely impact on the current submission.

The suggestion that development should not be allowed unless it can be demonstrated that there are no adverse impacts from the proposed development demonstrates a lack of understanding of the objective of planning which is to consider the positives and negatives of any proposed development, weigh them and then arrive at a balanced recommendation.

Despite the passionately expressed comments of the objectors in respect of the level of advertisement of the application and what the objectors have chosen to conclude from that, the application has been advertised in accordance with legal requirements and the Council's own adopted working practices. If the objectors choose to circulate their letter to other residents that is a matter for them however the Council, having undertaken an appropriate public consultation exercise in respect of the proposals is under no obligation

Despite the frankly expressed view of the objectors on the issue the loss of property value is not a planning consideration.

The fact that the objectors consider that there are too few parking spaces at Pontyclun railway station is not material in the determination of this planning application. Additionally, Members should also note that the railway station is earmarked in the Local Development Plan for network related improvements and park and ride facilities.

The reference to a loss of bin storage is nothing of the sort, the residents of Clos Pupren place their bins at a point on collection day and where they might choose to place them if the development goes ahead is a matter for them to work out between themselves

The fact that the developer or their sales agents might have earlier indicated that the current application site would not be developed has no bearing on the relative planning merits of the case.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

This is an application for reserved matters approval and as such there are no section 106 requirements those having been secured under the earlier grant of outline planning permission.

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the issues of detail appropriate to the determination of a submission for the approval of reserved matters, policy matters relating to issues of principle having previously been considered at the outline planning application stage. At the time that outline consent was granted the developer made a commitment to deliver this site early accepting a shorter than usual time limitation for the submission of reserved matters on the basis that amongst other things it would demonstrate an intention to help address the current five year housing land supply shortage. This application continues in the same vein and as the proposals are otherwise acceptable in terms of their detailing a positive recommendation is made.

RECOMMENDATION: Grant

1. The consent hereby granted relates to the following plans -
 - The site location plan drawing no. 1439/LO01.
 - The planning layout drawing no. 1439/PL01 Rev C.
 - The external works layout drawing no. 1439/EW-01 Rev A.
 - The housing finishes layout drawing no. 1439/HF-01 Rev A.
 - The AFF 1 bed house type drawing no. 1439/211-1.
 - The AFF 2 bed house type drawing no. 1439/421-1.
 - The 2B3 house type drawing no 1439/2B3-1.
 - The 3B4 house type drawing no. 1439/3B4-1.
 - The 3B4 house type drawing no. 1439/3B4-5.
 - The 3B12 house type drawing no. 1439/3B12-1.
 - The 3B12 house type drawing no. 1439/3B12-5.
 - The 3B13 house type drawing no. 1439/3B13-1.

- The 3B13 house type drawing no. 1439/3B13-5.
- The 3B16 house type drawing no. 1439/3B16-1.
- The 3B19 house type drawing no. 1439/3B19-1.
- The 4B2 house type drawing no. 1439/4B2-1.
- The 4B2 house type drawing no. 1439/4B2-5.
- The 4B3 house type drawing no. 1439/4B3-1.
- The 4B13 house type drawing no. 1439/4B13-1.
- The 4B18 house type drawing no.1439/4B18-1.
- The 4B19 house type drawing no. 1439/4B19-1.
- The 4B19 house type drawing no. 1439/4B19-5.
- The single garage drawing no. 1439/G100.
- The double garage drawing no. 1439/G110.
- The enclosure details drawing no. EN01.
- The enclosure details drawing no. EN03.
- The enclosure details drawing no. EN 09.
- The enclosure details drawing no. EN13.
- The enclosure details drawing no EN 14.

Reason: For the avoidance of doubt as to the approved plans.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

20 AUGUST 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File