

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-216

**DEVELOPMENT CONTROL
COMMITTEE
21 JANUARY 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.7
APPLICATIONS RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No: 14/0440 - Installation of a single (500kW) wind turbine measuring 77.9m to tip with ancillary structures (Environmental Statement received 5th May 2015), Garth Fawr Farm, Cilfynydd, Pontypridd
2. Application No; 15/1288 - Extension and conversion of former licensed premises into 9 no. flats. (Internal inspection report for bats received 30/11/15), 50 Ystrad Road, Ton Pentre, Rhondda
3. Application No: 15/1334 - Outline application for residential development of the land together with the provision of open space, access, landscaping and parking arrangements, Land South Of Llanharry Road, Brynsadler, Pontyclun
4. Application No: 15/1386 - Outline planning application for the construction of medical centre and residential development (150 units), open space and landscaping improvements and associated works, Land At Cwm Uchaf Farm, Heol Dowlais, Efail Isaf, Pontypridd

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APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 14/0440/10 (DB)
APPLICANT: Mr A Bowen
DEVELOPMENT: Installation of a single (500kW) wind turbine measuring 77.9m to tip with ancillary structures (Environmental Statement received 5th May 2015)
LOCATION: GARTH FAWR FARM, CILFYNYDD, PONTYPRIDD, CF37 4HP.
DATE REGISTERED: 05/05/2015
ELECTORAL DIVISION: Abercynon and Cilfynydd

RECOMMENDATION: Refuse

REASONS:

The principle of the development is considered acceptable, being a small scale wind development that would contribute to the Welsh Government's commitment to optimising renewable energy generation. Furthermore, no objections have been raised by statutory consultees with respect to the considerations in relation to the potential impacts upon either the amenity of nearby residential properties or highway safety.

However, it is considered that in respect of the issue of whether the wind turbine would have an unacceptable effect on matters of landscape importance - it is considered that it cannot reasonably be accommodated within the landscape without significant harm to the existing landscape character of the area and visual amenity. There is also insufficient ecological information submitted to accompany the application and an objection has been raised by Cardiff Airport on air traffic safety reasons.

Furthermore, it is considered that the economic benefits provided in support of the development are not sufficient to outweigh the harm and conflict with Policies AW5 and AW12 of the Rhondda Cynon Taf County Borough Council Local Development Plan.

APPLICATION DETAILS

Full planning permission is sought for a single wind turbine on land at Garth Fawr Farm, Cilfynydd, Pontypridd.

The application involves a 500kw wind turbine at a blade tip height of 77m above ground level, comprising of a hub height of 50m and a three bladed rotor diameter of 54m. The exact model of the wind turbine proposed is a EWT DW54.

The turbine would sit on a concrete foundation base measuring 20 square metres, to a maximum depth of 3 metres below the ground with the top of the concrete flush with the ground. The turbine would be constructed of galvanised steel with 3 glass fibre reinforced plastic blades in a traditional propeller format, finished in a grey/off white finish in a semi matt finish. There would also be a hard-standing area of approximately 35m by 20m necessary for the cranes required to construct the wind turbine.

The electrical power produced by the turbine would be fed by underground cables to an on site substation building measuring approximately 5.3m x 3.3m x 3.3m high which would be finished in materials in keeping with the area. The substation would house all the equipment necessary to connect the wind turbine to the electricity distribution network. The connection to the national grid is subject to a grid connection proposal but is likely to be made to the existing 11kv network which runs in close proximity to the site by underground cabling.

The energy produced by the wind turbine would be used to meet the energy needs of the applicant. Surplus energy would be sold to the National Grid. It is estimated that the turbine would each year supply electricity to the equivalent of at least 400 homes.

The turbine would be operational for 20-25 years, thereafter it would be dismantled over a period of approximately 2 to 3 months, removed from the site and the site reinstated to its previous condition. The areas of hard standing and the access tracks would be allowed to grass over naturally to return to agricultural use.

The access is proposed from the A4054, along the minor road leading to Llanfabon and then after 600m traffic would turn left using an existing track that passes Graig Leyshon Villas to reach the site. A new temporary access track approximately 5m wide would be constructed within the field of the wind turbine to facilitate the construction activities.

PROW ABC/28/2 is located about 250m west of the site at its nearest point, running in a north/south alignment and would be affected by the proposed access track for the wind turbine.

The construction activities would involve the use of a temporary storage compound which would contain a portable cabin, storage and assembly of the turbine components, parking provision for staff and construction vehicles. The estimated construction activities would cover a 12 week period and be undertaken during the hours of 7am to 7pm Monday to Friday and 8am to 6pm on Saturdays. It would involve a total of 12 return movements of exceptional loads, 76 return movements for ready mix concrete, 70 return movements for other HGV's associated with the construction phase and 2-4 movements a day of light goods vehicles. There would be approximately 15 people working on the site at any one time. Maintenance would be likely to occur a few times a year during the life of the turbine.

The application is accompanied by an Environmental Statement and a Non Technical Summary, technical data about the wind turbine, Aviation Risk & Mitigation Assessment, Transport Management Plan, Shadow Flicker Overview, Noise Assessment, Hydrological Impact Assessment, Route Survey Report, Heritage Statement, Phase I Habitat Survey, Bird and Bat Risk Assessment, a Planning Statement, a Landscape and Visual Impact Assessment (LVIA) and associated visualisations and a Design and Access Statement..

SITE APPRAISAL

The site covers a total area of 0.65ha and is located in the open countryside outside the settlement boundary. It lies just south of Garth Fawr Farm and the turbine would be sited within an improved pasture on Garth Fawr Farm, at a height of

approximately 240 A.O.D. centred on GR 309133, 193800. It lies close to the eastern boundary of the Borough bordering Caerphilly.

It lies on a prominent hilltop location, approximately 4km north of Pontypridd and east of the A470 between Pontypridd and Abercynon. It lies east of Craig Evan Leyshon Common, and the unreclaimed Cilfynydd tips.

It lies approximately 700m north of the nearest public highway, the unnamed country lane running in a north easterly direction from the A4054 at Cilfynydd to Llanfabon. The land falls away steeply to the north and to the east down to the A470 and falls away fairly steeply down to the public highway. Land to the east lies at a slightly lower level whilst land to the north east falls gently down to Nelson which lies at approximately 150m AOD.

Apart from the applicant's residential property, which would be approximately 205m to the north east of the turbine, the nearest residential dwellings would be located at 449m to the north east (Garth Hall), and to the south of the turbine 547m (No's 1&2 Craig-Leyshon Villas) and 626m (Trefychan Cottage). There are a number of other residential properties located within 1km of the proposed turbine, namely Trefychan Farm, Cefn y Garth Farm and within the administrative boundary of Caerphilly No's 1& 2 Tynewydd Cottages and the Lodge at Llechwen Hall Hotel.

The nearest concentration of dwellings in Rhondda Cynon Taf are located within the settlements of Cilfynydd, Glyncoch and Carnetown, Abercynon at a distance of between approximately 1100m and 1600m.

Within the vicinity of the site there are pylons carrying power to and from the nearby Electricity Sub Station, the nearest lies approximately 350m to the north east of the site and others running roughly east to west lie approximately 750m south of the site.

There are no statutory landscape or conservation designations on the application site or within the vicinity of the site. The site is in close proximity to a number of rights of way and a way marked long distance footpath. The Rhymney Valley Ridgeway Walk lies about 600m at its nearest point to the east of the proposed turbine which runs in a north-south direction.

The site of the wind turbine lies 5.5km outside the TAN 8 Annex D Strategic Search Area (SSA) F, at its nearest point at Llanwonno. There are no turbines located within the vicinity of the site, the nearest being located within Merthyr Tydfil Borough Council approximately 1km to the north east of the site.

PLANNING HISTORY

There is no planning history within the site boundary.

PUBLICITY

The application has been advertised by means of site notices and neighbourhood notification. Nine letters have been received as a result of this publicity, one supports the proposal the others raise the following matters:-

- Unsightliness, blot on landscape, eyesore,

- Spoil the quiet rural area,
- Turbine added to existing pylons and large substation will lead to added adverse visual impact,
- Noise pollution and effects on homes, communities, people's health and sleep,
- Loss of business to local hotel and stables,
- Health and safety issues and noise for horse riding in vicinity,
- Detrimental impact on protected birds, migratory birds, birds of prey species, bats, owls, slow worms and local wildlife seen in the area,
- Loss of habitat for birds and bats,
- Ecological report is out of date and inadequate,
- Access requires widening and loss of some Common Land, consent from land owners of private access which will not be forthcoming and consent from Coal Authority,
- Route to National Grid not known,
- Concern that underground cables may affect mains water supply
- Question viability of project as grid connection not confirmed,
- Too close to houses, some within Caerphilly side will be within 500m of wind turbine,
- Local community will gain nothing,
- Energy prices will not get cheaper,
- No community consultation was undertaken by the applicant,
- Other properties in Llanfabon area should have been consulted,
- Photos are very selective – none from Llechwen Hotel, Tynewydd Cottage, the A472 or A470 from Merthyr and Aberdare areas,
- Recently permission refused for an agricultural cottage which would be less imposing on the landscape than a turbine,
- Environmental Statement is very poor,
- Only beneficiary will be the applicant.

Other matters raised relate to non planning issues such as depreciation of property values and issues not related to this planning application.

CONSULTATION

Defence Infrastructure Organisation – raises no objection

Vodafone – raises no objection.

Transportation Section – no highway objections are raised subject to conditions in respect of a Traffic Management Plan, before and after surveys and an assessment of compensation for extraordinary use and restriction of hours for deliveries of abnormal loads.

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

Land Reclamation and Engineering – Recommends a condition in relation to the treatment of flood risk management.

Cardiff Airport – raises an objection due to air traffic control reasons.

Merthyr Tydfil CBC – raises no objection to the proposed development.

Caerphilly CBC – raises no objections but requests that the visual impact is carefully considered as turbine lies in close proximity to the Special Landscape Area (Mynydd Eglwysilan) designated within the Caerphilly LDP and consideration is given to the imposition of conditions regarding turbine noise and a Traffic Management Plan.

NRW – advises that there is insufficient survey information to assess the impacts on breeding birds from the proposed scheme.

Countryside Section – advises that further bird assessment information should be submitted to accompany the application. Advises that there are no SEWBREC records of statutory protected species from the immediate vicinity.

Public Health and Protection Division – raises no objections to the proposed development subject to the imposition of conditions which include noise limits at nearby residential properties, hours of construction, dust suppression and the disposal of waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The proposals and constraints maps indicate that the site is located in the countryside, within Special Landscape Area (Taff Vale Eastern Slopes) and within the sandstone safeguarding area. The access track cuts through and follows the edge of a SINC (Craig-Evan Leyshon Common) . The turbine site and the northern half of the access track is located within the Northern Strategy Area and the southern part of the access track is located within the Southern Strategy Area.

Policy CS1 emphasises the building of strong sustainable communities by means including protecting the natural environment.

Policy CS2 - outlines how the emphasis on building strong, sustainable communities will be achieved in the Southern Strategy Area.

Policy CS10 – defines safeguarding areas for mineral resources.

Policy AW4 - provides for the negotiation of planning obligations.

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

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

Policy AW7 – requires the impact of development on sites of architectural and/or historic merit or importance to be mitigated.

Policy AW8 requires the impact of development on SINC to be mitigated.

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

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

Policy AW14.2 safeguards the resources of sandstone from any development which would unnecessarily sterilise or hinder their extraction.

Policy SSA23 states that development within the Special Landscape Areas (SLA's) will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

National Guidance

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

Planning Policy Wales (Edition 8 January 2016) Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Historic Environment), Chapter 7 (Economy), Chapter 8 (Transport), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

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

Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy” Feb 2011

PPW Technical Advice Note (TAN) 11: Noise (1997)

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The main consideration in the determination of this application is firstly whether the principle of the development is acceptable in this location. Further important considerations include whether the renewable energy scheme would have any adverse impacts on the landscape character and appearance of the surrounding area, nature conservation, agriculture, residential amenity of those living closest to the site, access and highway safety, land drainage and the aviation operations of Cardiff Airport.

Other issues include cultural heritage, grid connection issues, the safeguarding of mineral resources and the benefits of the proposal.

Principle of development

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

Whilst TAN 8 states in Para 2.2 that "large scale (over 25MW) onshore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSA's), guidance is also provided for the development of smaller wind developments outside of these areas. In particular Paragraph 2.12 states that "The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW)."

The application involves a wind turbine of 0.50MW and is therefore classed as a small scale turbine in policy terms, being a "sub local authority" scale of development, at under 5MW within PPW. This scale of development is not required, within PPW, nor TAN8 to be sited within the boundary of SSA F. Para 12.9.9 of PPW advises that such "renewable energy projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated."

TAN8 also identifies the need for authorities to consider the cumulative impact of small schemes in areas outside of the SSAs and the need to strike a balance between "the desirability of renewable energy and landscape protection" (Para 2.13).

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

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

Landscape and visual Impact

The proposed wind turbine would be located on an exposed site, in the open countryside. It would be located within the SLA of Taff Vale Eastern Slopes. It is considered that the first key policy and management within this SLA which is to conserve the skyline and the written justification of SLA Policy SSA23 of the LDP "the protection of the unspoilt low lying farmland, common land and gentle valley slopes which form the visual backdrop to the settlements of the area" are considered particularly relevant to this proposal.

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

- The effect on the character and appearance of the area, a Special Landscape Area and the local landscape character area,
- The visual effects on residents, especially those living in close proximity to the site and on the northern edges of Cilfynydd, western edges of Glyncoch and Abercynon.
- The effects on users of local footpaths, and the other public recreational areas in the Cilfynydd, Llanfabon area.

Landscape Effects

The LVIA which accompanies the application considers that the overall landscape quality of the site is of medium/high value with moderate sensitivity and that the introduction of the moderately sized wind turbine would result in a medium adverse effect on the existing landscape character and quality. The LVIA accepts that the introduction of the proposed turbine would be a relatively prominent significant feature locally, but not unique and would be likely to become the dominant feature.

The LVIA notes that due to distances involved the wind turbine would be not likely to be adversely visible to receptors in any nationally significant landscapes. Whilst the site falls within a Special Landscape Area and adjacent to the Special Landscape Area of Mynydd Eglwysilan in Caerphilly and effects would be adverse, the LVIA states that this is not unreasonable given the existence of other visual detractors, including pylons, power lines and radio masts and that a modest sculptural new feature could have a more positive influence in the view. The LVIA concludes that views are more pronounced to the east, north-east and south-east and so the impact on the locally significant Craig Evan Leyshon Common is not considered a significant constraint.

The LVIA notes that the siting of a moderately sized single turbine in a rural landscape, the visual effect on local landscape character need not necessarily be considered adverse, particularly when largely viewed in isolation. It quotes an Inspector 's Report of a 126m high 2MW turbine at Dewlay Cheese in Lancashire where in the Inspector's view "it would be an exciting and elegant landmark symbolising the region's commitment to renewable energy."

The LVIA notes that due to the limited footprint of the proposed development it would not adversely impact upon any significant features of landscape, ecological, historical or cultural value and any short term effects could be made good by remedial works.

Visual Effects

The LVIA has estimated the zones of theoretical visibility (ZTV) within a distance of 10km, and assessed fifteen representative views. The ZTV indicates that the greatest potential visibility would lie to the higher more open rural ground to the north and east (largely falling within Caerphilly Borough) whilst westwards visibility is likely to be less severe but extending to more populated areas of Abercynon and Glyncoch whilst the majority of Pontypridd would be unlikely to be significantly affected.

Viewpoints V1 (Views north from A4054 Cilfynydd 1300m distance), V2 (Views south-east from eastbound A4059 north of Abercynon, 2200m distance), V3 (Views south-east from B4275 Abercynon centre 1600m distance), V4 (Views south from minor road/PROW east of A4059 leading to Craig Evan Leyshon Common 900m distance), V5 (Views north from A4054 approaching Cilfynydd from south 2500m distance), V9 (Views west from minor road rising south from Nelson up to Mynydd Eglwysilan 3350m distance), V11(Views north-west from moorland road skirting Mynydd Eglwysilan 2850m distance) and V14 (Views north-east from residential road in Glyncoch 1600m distance) were chosen to represent the range of visual effects to arise from the proposed development. Terrain model viewpoint images were produced for some of these viewpoints.

The assessment of these viewpoints identifies that there would be severe adverse or substantial adverse impacts from **Viewpoint 1**, (urban road users, pedestrians, residents) and **Viewpoint 2**, (urban road users and some commercial/ residential occupiers), **Viewpoint 4** (rural road users, pedestrians and residents) **Viewpoint 5** (urban road users, pedestrians, residents/occupiers) and **Viewpoint 14** (residential road users, pedestrians, residents/occupiers) where the whole of the turbine would project above the skyline and be prominently visible although roadside vegetation limits visibility westwards in relation to Viewpoint 2.

Moderate adverse effects are shown in respect of **Viewpoint 9** (rural road users, pedestrians), where the turbine would project above the skyline but at a distance and would not be a significant component of the view. Moderate adverse effects are also shown for **Viewpoint 10** (rural road users, pedestrians), **Viewpoint 11** (rural road users, pedestrians) but these are at a distance and only the blade tip may just be visible above the skyline.

Slight to moderate adverse impacts would arise from **Viewpoints 6** (urban fringe users, pedestrians, residents/occupiers and **Viewpoint 8** (rural road users, pedestrians, residents/occupiers)), where the turbine would be visible above the skyline but at a distance and **Viewpoint 12** (rural road users, pedestrians) where only the blade tip may just be visible above the skyline.

Slight adverse impacts are identified in respect of **Viewpoint 7** (rural road users, pedestrians, residents/occupiers) where the turbine would be visible above the skyline at a distance

Negligible to slight effects are shown in respect of **Viewpoint 13** (urban road users, pedestrians, occupiers, residents where the blade tip would be visible just above the skyline and **Viewpoint 15** (rural road users, pedestrians, residents/occupiers) where the turbine would project above the skyline at a distance.

In summary therefore, the LVIA identifies that the most pronounced effects are from panoramic northward views from Mynydd Eglwysilan (Caerphilly CBC) particularly where these coincide with the Rhymney Valley Ridgeway Walk and views northward from Cilfynydd and eastward from Glyncoch. The LVIA considers that the sculptural quality of the turbine could have a potentially positive effect on local identity.

Cumulative Effects

The LVIA states that the majority of potential other wind developments would be between 10 to 15km distance with the nearest at 9km at Pen Rhiw Gwaith Farm,

north east of the site in Caerphilly. At these distances the introduction of a modestly scaled single turbine is not considered to cause significant cumulative impact greater than negligible to slight adverse impact. Simultaneous visibility is likely for two operational wind farms but the effect is not considered to be significantly adverse, whilst sequential impact is considered to be no greater than negligible to slight adverse. The LVIA also considers that from the majority of viewpoints the turbine would be seen in the context of a variety of power lines, pylons and radio masts and due to its scale and form it would not significantly exacerbate their detracting effect.

Conclusions

The turbine is sited in a prominent and open location which would be set apart from other wind farm development and would be a significant isolated, solitary, incongruous structure in the landscape. Whilst there are pylons, power lines and radio masts nearby the turbine would be of a larger scale and with its blades it would be more prominent and cause significant harm. Although the LVIA considers that there are some medium adverse effects on the existing landscape character and quality it considers that this would not be unreasonable given the existence of other visual detractors and that a modest sculptural new feature could have a more positive influence in the view. The Viewpoints within the LVIA show that the turbine would have significant adverse impacts in views from Viewpoints 1, 2, 4, 5 and 14 where the turbine would be seen as a highly noticeable isolated feature on the skyline. Whilst the pylons are also visible on the horizon from some views they are not as prominent as the proposed turbine would be. From Viewpoint 9 the turbine appears also above the skyline but at a distance. There are no other turbines which appear in any of these viewpoints and therefore cumulative impact is not an issue.

Other receptors, such as at users of the nearest PROW east of the site and users of Craig Evan Leyshon Common (Viewpoint 4) are likely to be sensitive receptors and the moving turbine would be very noticeable, drawing attention to itself as the focus on the hill/backcloth behind. The resulting effect would be significantly adverse. This view would also reflect the effects from properties which are not screened by intervening buildings or vegetation and those which are closer to the development, which would be very likely to undergo significant effects.

The turbine would also be noticeable on the Rhymney Valley Ridgeway Walk to the west [Viewpoint 9 is along this route but not at its closest point which is 600m from the site]. The proposed turbine would be clearly a separate and isolated feature extending the effect of wind energy within the SLA/skyline.

The views of local residents which raise concern that the turbine would be a dominant feature, would encroach too close to residential properties and would have an adverse impact on the existing agricultural landscape are considered to be valid.

It is stated that in terms of mitigation, the turbine is a modest sculptural new feature which could have a positive influence located in amongst other visual detractors in the area, including pylons and power lines. However, it is considered that the turbine would be located on the upper valley sides above the Taff Valley and would erode the qualities of the SLA and would be contrary to the general SLA policy of protecting the unspoilt valley slopes and of conserving the skyline within the Taff Vale Eastern Slopes.

The siting and height of the turbine combined with its location and the nature of the surrounding landscape would significantly harm the skyline and the open and rural character of the area, which is a feature that the SLA designation specifically seeks to protect. It would also add to visual clutter in the area despite the backdrop of other large scale development of the pylons and substation as seen from views to the east.

It is accepted that the proposal would not significantly effect nearby historic parks and gardens. However, it is considered that it would adversely affect the adjacent SLA of Mynydd Eglwysilian in Caerphilly in which the key management policy is to prevent the area becoming too cluttered with incongruous vertical elements including pylons.

Overall therefore, it is considered that the proposed turbine would have a harmful impact on the character and appearance of the surrounding area and would be contrary to the provisions of Policies AW5 and AW12 of the LDP.

Impact on residential amenity

The impacts on adjacent residential uses as a result of noise and visual disturbance due to shadow flicker/reflected light also needs to be considered. The applicant has submitted a noise assessment which has measured the potential noise levels from the proposed turbine. This includes a prediction of the noise level based on a wind speed of 10m/s and is a worst case scenario as no account is taken of any acoustic screening that may exist by intervening structures or topography.

The Assessment and Rating of Noise from Wind Farms (The ETSU Report 1997) referred to in TAN8 provides indicative noise levels which would provide a reasonable degree of protection to wind farm neighbours. The ETSU Report recommends that predicted noise levels should not exceed 35 dB LA90, 10 min.

The nearest residential properties are located at the following distances from the wind turbine - 205m (land owners – Garth Fawr Farm), 449m (Garth Hall), 547m (Craig Leyshon Villas) and 626m (Trefychan Cottage). The predicted noise levels demonstrate that the installation would be capable of complying with the guidance set out in respect of the noise levels from turbines as set out above.

A Shadow Light Flicker statement has been provided. The statement notes that only properties within 130 degrees either side of north in the UK would be affected at the proposed latitude of the site, and that shadow flicker assessment should be carried out if there are any residential properties within 10 rotor diameter distance of the proposed wind turbine. The statement indicates that as the rotor diameter of the wind turbine is 54m, shadow flicker could potentially be an issue for a residential property within 540m. There is one residential property (apart from the applicants') within this impact zone and allowing for winter sunshine hours the possibility of shadow flicker occurring would be 6 hours per year. However the statement notes that intervening buildings and occupancy of relevant rooms facing the turbine would reduce this further, such that the effects would be negligible.

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

The Council's Public Health and Protection Division has raised no objection to the reports referred to above and the proposed turbine, subject to conditions which cover noise limits at the nearest residential properties and a complaint system. Further, in respect of construction activities, conditions are recommended to cover hours of operation and minimisation of dust. It is considered that, subject to the imposition of appropriate conditions, the turbine is not likely to cause undue noise and disturbance to the nearest residential properties.

Ecology/agricultural land quality

The ecological information submitted to accompany the application identifies that the field of the proposed wind turbine is intensively sheep grazed pasture with shrubs along the site boundaries which is of low ecological value. The protected species work has identified the presence of a number of protected species within the site and surrounding area including small numbers of bats. However it is considered that the works would not result in any significant impact upon features of ecological value or populations of protected species. The use of the existing private access track will require minimal widening works on the corners affecting habitats of low ecological value and resulting in no loss of trees, but the cutting back branches of overhanging shrubs and birch trees.

A bird and bat risk assessment has assessed the likelihood of impacts to bat and bird populations. This includes a desk top study within 2km of the site, a site visit and detailed inspections of the nearest buildings and mature trees of the proposed turbine which are located between 50m and 250m of the proposed turbine. No evidence of bats was found in this assessment, although one building (120 metres north east of the turbine) and a group of ash trees 15 - 200 metres south west of the turbine were identified as having medium bat potential. The Bat Report highlights that there are no linear habitat features within 50 metres of the turbine that might provide foraging routes, and that habitat in the turbine field offers little bat foraging value. The assessment has also provided a bat landscape critique considering how bats might be using the immediate and adjacent landscape. This doesn't identify a significant risk of bat activity across the field. The assessment concludes that the proposed wind turbine would represent a low risk to bat species as there are no known or suspected roosts or foraging areas within 100m and there is more favourable habitat at lower elevations alongside the River Taff and surrounding woodlands. A low risk to bird species normally at risk from wind turbines such as Peregrine Falcon, Red Kite and Grey Heron is also concluded, although a potential risk is identified for other raptor species particularly Common Buzzard to experience bird strikes through rising up thermals from the south and west but this is not anticipated to comprise a substantial risk to the local populations and is considered to be a low risk.

The Council's Ecologist has considered the assessment work. He considers that the improvements to the access would not have an unacceptable ecological impact. He also considers that the application should be accompanied by appropriate bat activity work which could provide a site specific assessment he accepts that given the relatively high and exposed position of the turbine field, without strong hedgelines, trees or associated semi-natural habitat, the Report's conclusion that there is a low risk to individual bats and negligible risk to local bat populations is a reasonable one.

In terms of birds, the ecology report hasn't identified the presence of SINC 78 (adjacent to the access track) it does assess that habitat as bird habitat and assesses the potential for bird usage of the site. SINC 78 supports habitat which is used by raven, buzzards, kestrel, Peregrine Falcon and increasingly Red Kite, Cuckoo, and there is an associated small bird population including upland species. The report concludes that due to the height above the valley bottom and the single turbine provision there is a low to negligible risk to migratory birds.

The Council's Ecologist has advised that site specific bird assessment information should be submitted to accompany the application in order to understand whether this turbine is acceptable. That work would need to encompass the breeding season, autumn and spring passage seasons and winter season. This is because there are bird species present in the immediate vicinity of the area which are vulnerable to turbine strikes such as peregrine falcon, kestrels, buzzards, and unconfirmed reports of Red Kite and barn owl, meadow pipits, skylarks. There also is the potential for impacts on migratory birds as the proposed turbine is located on higher ground on the side of the Taff Valley and is located close to the intersection of the Taff Valley and Cynon Valley and the side valley down into the Rhymney where large numbers of migratory bird movements take place including house martins, swallows, winter thrushes, cormorants and groups of goosanders. NRW advises that there is insufficient survey information to assess the impacts on breeding birds from the proposed scheme.

The connection to the national grid has not been provided and whilst this is likely to be by underground cabling this information should be provided to understand whether there would be any habitat impacts to the alignment. Were the application to be otherwise acceptable this information would have been requested.

The Council's Ecologist highlights that the proposed turbine could have ecological impacts, in terms of the impact on birds, and further information should be submitted to determine any likely effects of the scheme in this regard. However, a request at this stage has not been made to the applicant to undertake the additional bird survey work given the other key concerns raised with the planning application.

In terms of agricultural land quality, the wind turbine and associated works and assess would involve a small piece of land within the applicants farm holding on land which appears to be within Grade 4 or 5 of the agricultural classification maps. Whilst there are no restoration details submitted it is considered that these details could be secured by an appropriate condition and that therefore there is no agricultural constraint to the development.

In summary therefore it is considered that there is insufficient information submitted with the application to determine whether the proposed development would have a detrimental impact on features of importance to nature conservation, as set out above, and is therefore contrary to the provisions of Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety and PROW matters

The application details show that the access route to the site would be from Swansea via the A465 to Merthyr Tydfil, south along the A470 to Abercynon and

along the A4054 to Cilfynydd. Locally the components would turn left from the A4054 near the Cilfynydd War Memorial and onto a minor road leading to Llanfabon. Deliveries would turn off the public highway for approximately 600m along this minor road and travel to the turbine site via an existing private access track that passes Craig Leyshon Villas.

The access off the public highway onto the private access track will require widening to facilitate delivery and requires mitigation measures which will require the permission of the relevant land owners.

As well as the movements associated with the delivery of the components, there will be additional trips generated by a mobile crane which will be on-site for the duration of its operational requirement together with construction HGVs that transport concrete / stone and workforce traffic.

The estimated HGV traffic for the proposed development is 330 movements (165 in and 165 out) with a construction period of approximately 12 weeks. Vehicle movement during this period will increase by approximately 5 – 6 trips a day. Bearing in mind that the proposal is for a single wind turbine, it is considered that the construction traffic generated by the proposal will not be significant to raise objection.

Swept path analysis of the access routes has been undertaken. The largest component/vehicle is anticipated to be associated with the delivery of the turbine blades (26m long) and the generator (5.6m diameter). The swept path analysis indicates that there are no works required within the public highway with all improvements required to the private access track.

The Transportation Section has advised that the proposed route for the transport of the abnormal loads appears to be satisfactory with all components being contained within the public highway. The improvements required for access are along the private access track passing Craig Leyshon Villas. The applicant will be required to arrange a pre-commencement meeting with the relevant parties (RCTCBC, SWTRA, South Wales Police, Haulier) prior to the dry run being undertaken and therefore a condition for Traffic Management Plan has been suggested. Taking the above into consideration no highway objection is raised subject to conditions to secure a Traffic Management Plan and a before and after conditions survey and an assessment of compensation for extraordinary use.

Local concern has been raised about the additional traffic proposed along the present private access road which will require some widening works and the consent required of the owner. The necessary notice has been served by the applicant on the land owner/s so that these works could be undertaken subject to agreement. The Council's Transportation Section has raised no objection to the use of this private road and no objections overall in view of the short duration and limited use of vehicles required during the limited construction period, subject to conditions as set out above.

The use of the existing public highway access off the A4054 crosses PROW ABC/28/2 which runs north/south over Craig Evan Leyshon Common. There is concern about the possible safety impact and the ability of the public to continue to enjoy using these public footpaths, during the development, but especially during the construction period. If there should be any risk to users of the PROW, then the applicant would need to apply to the Council for a temporary closure order. It is

therefore considered that any impact on the PROW can be dealt with by means of a condition to secure health and safety precautions, for each stage of the development.

Aviation Issues

Wind turbines have the potential to pose a threat to air safety for two reasons. Firstly, they can represent a collision risk for low flying aircraft and secondly they can interfere with ground based control radar and aircraft landing instruments.

The site falls within a 30 kilometres radius of Cardiff Airport and is therefore subject to mandatory consultation. An objection has been received from the Head of Airfield Operations as it is considered that the proposed wind turbine would interfere with the ground based control radar and the air traffic control operation at the airport. No mitigation measures are proposed in order to overcome such an objection. Therefore, it is considered that the proposed single wind turbine would be unacceptable on aviation grounds based on the objection raised by Cardiff Airport.

Cultural Heritage

GGAT have advised that information in the Historic Environment Record shows no recorded features or statutorily protected areas within the proposed development area. GGAT have also checked historic mapping and can find no indications of any unrecorded historic features and no evidence to suggest that unrecorded buried archaeological features will be located in the area. The proposed single turbine will have only a local impact on the registered Landscapes of Special Historic importance that are visible from and to the site. These are Gelligaer Common (nearest point some 3.14km to the northeast) and Rhondda Valley (nearest point some 4.56km to the west). GGAT have no archaeological objection to the determination of the application but advise that the Record is not definitive, and there remains the possibility that previously unknown archaeological material may be encountered during the work. This matter could be adequately dealt with by a note to any permission granted.

Economic and Environmental Benefits

PPW and the LDP require the economic considerations of the proposed wind turbine to be considered. As the proposal involves a small scale renewable energy development, the application is required by Policy AW12 of the LDP to demonstrate that the proposal would not constrain the generating capacity of the refined strategic search area for large scale wind farm developments. As the development involves a single small wind turbine some %>%km distance from SSAF it is considered that it would not affect any future development of a large scale wind turbine within SSAF.

The proposal would primarily benefit the applicant, as part of a farm diversification scheme. However, it is assumed that all surplus energy generation would be sold to the National Grid, which whilst not quantified would provide a small contribution in the delivery of renewable energy targets.

The applicant intends that the wind turbine would form a part of his intentions to develop further renewable energy projects to create a sustainable asset base and would form part of his rural diversification objectives.

The applicant's agent has stated that the applicant intends to contribute a portion of earnings generated to charities such as the National Energy Action which helps to eradicate fuel poverty and would pay a sum of money to the local community on the commissioning of the turbine.

Other Considerations

In relation to Policy AW12.2, of the LDP, the proposed development is considered unlikely to unnecessarily sterilise or hinder the resources of sandstone on the application site and adjacent land as it is a temporary development and due to the poor access to the site and the nearness of residential properties which would be likely to prevent any such future extraction.

In relation to drainage matters, were the application to be otherwise acceptable, a condition requiring the details of the treatment of surface water matters would be imposed, in order to ensure that there would be no detrimental impact on flood risk for the local environment.

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

It is considered that having regard to all the matters raised above, it is recommended that the application be refused for the reasons recommended below. It is considered that the effects on the Special Landscape Area of Taff Vale Eastern Slopes and the effects on visual amenity of the single wind turbine outweigh the benefits of this small renewable energy development. There is also insufficient ecological information submitted to accompany the application and an objection has been raised by Cardiff Airport on air traffic safety reasons.

RECOMMENDATION: Refuse

1. The proposed single wind turbine would be contrary to the provisions of Policies AW5 and AW12 of the Rhondda Cynon Taf Local Development Plan for the following reasons:-
 - the individual and cumulative effect would have an unacceptable detrimental effect upon the interests of landscape importance of the Special Landscape Area of Taff Vale Eastern Slopes in that it would be an isolated, incongruous and adhoc structure and would significantly adversely affect the local skyline and add to visual clutter in this rural and open area.
 - it would appear as a prominent, isolated feature which would appear incongruous and adversely affect the local skyline. It would unacceptably harm the visual amenities of the users of the adjacent public footpaths, public open spaces and residents especially those within Cilfynydd, Abercynon and Glyncoch.

2. The proposed single wind turbine would interfere with ground based control radar and have a detrimental impact on the air traffic control operations at Cardiff Airport.
3. Insufficient information has been submitted to accompany the application to determine whether the proposed development would have a detrimental impact on features of importance to nature conservation and is therefore contrary to the provisions of Policies AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/1288/10 (HL)
APPLICANT: Mr & Mrs Philip Bromwell and Alex Louise Brown
DEVELOPMENT: Extension and conversion of former licensed premises into 9 no. flats. (Internal inspection report for bats received 30/11/15)
LOCATION: 50 YSTRAD ROAD, TON PENTRE, RHONDDA, CF41 7PH
DATE REGISTERED: 30/11/2015
ELECTORAL DIVISION: Pentre

RECOMMENDATION: Refuse

REASONS: Insufficient information has been submitted to demonstrate that the development proposed would not have a detrimental impact on any protected species that may be using the building contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

The application seeks full planning permission for the conversion and extension of the former licensed 'Thirsty Pelican'/ Ton Pentre Conservative Club at 50 Ystrad Road, Ton Pentre to provide nine residential properties.

The plans submitted indicate the provision of three, one bedroom units at ground floor level, each with their own front door in the south-western (front) elevation; with two No. two-bedroom units and a one No one-bedroom unit provided on both first floor and second level. Access to the proposed first and second floor level accommodation would be via a communal access in the south-western (front) elevation and central stairwell. A secondary means of access would be provided via an external steel staircase that would adjoin the north-eastern (rear) elevation.

The second floor accommodation would be partially provided within a new extension that would be developed above an existing lean-to extension that adjoins the south-eastern (side) elevation of the main building. The proposed extension would measure 5.6m wide, 9m deep. The extension would be finished with rendered elevations and a hip roof finished with reconstituted slate, to match the north-western end of the building with a maximum height of 12.7m (when measured from pavement level) falling to 9.4m at eaves level.

Due to the constrained nature of the site there would be a small area of communal amenity space provided to the north-east (rear) of the building. However, there is no potential to provide any off street parking to serve the development.

SITE APPRAISAL

The application site comprises a large, semi- detached, three storey building, with associated two storey lean to extension. As a whole the building measures 21.7m wide, 9.3m deep with a maximum height of 12.7m falling to 6.5m, positioned on the north-eastern side of Ystrad Road. The building is street fronted and is located in close proximity to the petrol and train station.

The application site and surrounding area is positioned on a slope that falls gently from north-west to south-east and more steeply from north-east to south-west. As a result the property is significantly below the level of the residential properties in Pleasant View to the rear (north-east), is below the internal floor level of the flats and dwelling to the south-east and is slightly raised relative to the finished floor level of 53-54 Ystrad Road to the south-east.

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

PLANNING HISTORY

There is no relevant planning history for the site.

PUBLICITY

The application has been advertised by direct neighbour notification and the erection of site notices. One letter of objection and a petition in opposition to the scheme containing 18 signatures have been received and are summarised as follows:

Material Consideration:

- The scheme makes no provision for parking with existing parking restrictions to the front of the site. Pleasant View to the rear of the building is a single track road leading to a dead end which is already overrun with cars from residents of the street and from the flats already provided on Ystrad Road. Any new development would make it impossible to park on our street.
- The proposed fire escape will be installed a few feet from our front gates which leads into nearby woods. This would be an ideal opportunity for anybody with criminal intent in mind. There would be less of an objection if the fire exit is re-sited onto Ystrad Road.
- No provision has been made for the storage of tenants rubbish and waste.

Non Material:

- There is a clause on the original building which restricts the use of the premise to that of a 'Club'
- Clarification is requested with regard to the address of the property

CONSULTATION

Highways - no objections subject to conditions.

Land Reclamation and Engineering - no objections subject to conditions

Dwr Cymru/ Welsh Water - Conditions recommended with regard to the disposal of foul and surface water from the site.

Wales and West Utilities (Gas) - advice provided regarding the location of apparatus.

Ecology - There are no SewBrec Records for the near vicinity however altering the roof and soffits will require a Bat Survey to be submitted prior to determination.

Housing Strategy - The Local Housing Market Assessment 2014/15 identified a need for 5 additional 1 bedroom flats per annum within Pentre from 2014/15 to 2019/20 is 25 units over the next five years. There is a shortfall of smaller units within the social housing stock

Public Health and Protection – no objections subject to advice regarding demolition; hours of operation; noise; dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The relevant policies in the Local Development Plan are as follows:

Policy CS1 sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

Policy CS4 defines the housing land requirements.

Policy CS5 requires provision of affordable housing.

Policy AW1 defines the housing land supply, to be met partly by development of unallocated land within settlement boundaries.

Policy AW2 promotes development in sustainable locations, which includes site within settlements boundaries, benefiting from existing services and sites that support the roles and functions of Principal Towns and Small Settlements. The locations should not unacceptably conflict with surrounding uses.

Policy AW5 lists amenity and accessibility criteria that will be supported in new development proposals, giving particular attentions to neighbouring land uses and occupiers. Existing site features of natural environmental value should be retained where appropriate.

Policy AW6 outlines design and placemaking criteria that will be supported in new development proposals

Policy AW8 specifies that the Authority's natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy NSA12 gives further criteria for suitable housing development within and adjacent to settlement boundaries.

The following SPG's are also relevant to this proposal:

- Design and Placemaking;
- Delivering Design and Placemaking - Access Circulation and Parking Requirements;

- Planning Obligations and
- Development of Flats - Conversions and New Build
- Nature Conservation

National Guidance

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

Planning Policy Wales (Edition 8 January 2016), Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability) 8 (Transport) and 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

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- 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 12: Design;
- PPW Technical Advice Note 18: Transport;

PLANNING CONSIDERATIONS

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 Development

As detailed above, the application proposes the conversion and extension of a former licensed premise to create 9 flats (five No. one-bedroom and four No two-bed units). The building is currently vacant and is located within the settlement development limits of Pentre. The property is located approximately 300 metres from the shops, facilities, and public transport options of Pentre. In light of the above, the site is considered to be sustainably located and as such the principle of residential development is acceptable.

The key considerations with regards to the application have been determined as the impact on the proposal on the character and appearance on the area; the residential amenity of those living closest to the site; highway safety and impact on the ecology of the area.

Character and Appearance

As specified above, the application proposes the conversion and extension of the building to provide a mix of one and two bedroom units set over three floors of the

building. Whilst the application proposes a second floor extension above the existing lean-to which would accommodate one, two-bedroom unit, the works of conversion would largely take place within the fabric of the building and would utilise material in keeping with the existing building. It is considered that the design and external finish of the proposal in association with the density of development would not have a significantly detrimental impact on the overall character and appearance of the area. In contrast, it is considered that the active reuse of such a visually prominent building could have a beneficial impact on the overall vitality and viability of the street scene. As such the application is considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

Further to a site visit it has been determined that there are a number of residential properties immediately adjacent to the site: Flats within The Hayloft (49-50 Ystrad Road) and a detached dwelling known as Lisworney to the north-west; terraced dwellings within Pleasant View to the north-east and flats within 53-54 Ystrad Road to the south-east. The proposed floor plans submitted indicate that all habitable room windows would be either south-westerly or south-easterly facing, overlooking Ystrad Road or the blank elevation of 53-54 Ystrad Road. The development would make use of existing openings in the north-easterly (rear) elevation however these would predominantly serve kitchens or hallways.

Although the plans submitted indicate the provision of a new fire escape adjoining the north-eastern elevation, this would not be large enough to provide an external seating area. Being mindful of the existing topography of the area, which falls down towards the site, conversion within the existing fabric of the building and the reuse of existing openings and internal arrangement proposed, it is considered that the proposal would not generate an increased level of overlooking or loss of privacy significantly detrimental to the residential amenity of those living closest to the site. It is also considered that the orientation of the site, size of the principle building and position of the proposed extension would prevent the development from generating any increased overshadowing or loss of light.

Following public consultation, concerns have been raised regarding the position and use of the proposed fire-escape on the privacy and amenity of existing residents, particularly those within Pleasant View to the rear of the site. Whilst it is appreciated that the fire-escape would allow an elevated access to the rear yard and the streets to the rear, it is considered that the size of this aspect of the development in association with the topography of the area would prevent it from being so significantly detrimental to residential amenity to warrant refusal of the application on such grounds. Being mindful that the steps and doors in the north-eastern (rear) elevation are to be used as fire-escape there is the potential that it would be fitted with an alarm system to discourage residents using it as a principle access.

In light of the above, the application is considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

Following consultation, The Authority's Transportation Team have provided the following response:

"The proposed is served off Ystrad Road, A4058 which has a carriageway width of 7.5m with double yellow lines on both carriageway lanes. Pedestrian access is via a continuous pedestrian links which are satisfactory to serve the proposed development.

To the rear is a terrace street, Pleasant View, which is a residential cul-de-sac with no turning area. There is a secondary pedestrian access/ fire escape which exists onto the terrace street which is acceptable for safe pedestrian access.

In line with the SPG, the area and use of the ground and first floor of the premise as a public house/ club with third floor residential accommodation would require up to a maximum of 71 car spaces with 1 commercial space with none provided. The proposed use requires up-to a maximum of 13 spaces in accordance with the SPG Flats and Conversions, with none provided. There are traffic regulation orders in place preventing on-street car parking along the A4058. However, the ground floor could potentially be used for disabled residents and as a result this could lead to potential parking on-street to the front of the building on the A4058 to the detriment of safety of all highway users.

Whilst there is a parking lay-by located to the north of traffic lights with some potential to accommodate parking during the day, this is likely to be used by existing residents during the evening and at weekends.

There is concern with regards the lack of off-street car parking proposed with the development, There is potential to mitigate against the impact of the proposal on highway safety by promoting the use of sustainable modes of transport such as bus, rail and cycling, There is a bus stop on Ton Pentre railway bridge which is in need of upgrading with raised border kerbing and new shelter at a cost of £5,000 which would promote the use of sustainable transport by able and less able bodied pedestrians. There is also some potential to provide secure cycle-parking to the rear of the building (by way of condition) which could mitigate the impact of the proposal. In light of these requirements, on balance, the proposal is acceptable.

The lack of parking proposed for the development is a significant concern for local residents who have raised objection with regard to such matters. However being mindful of the parking demand that would have been generated by the extant use relative to the proposal, the lack of opportunity to provide any off street parking, the proximity of the site to both the railway station and bus route and the potential to provide secure on site cycle parking by way of condition, it is considered, subject to the applicant entering into a Section 106 legal agreement to provide £5,000 towards the upgrading of the bus stop, on balance, it is considered that the development would not generate an increased level of highway safety concerns to warrant refusal of the application. The proposal is therefore considered as compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Plan.

Other Considerations

Ecology

As specified above, the application proposes the development of a third floor extension, above the existing lean-to extension that would adjoin the principle roof of the main building. Following an examination of the building by an Ecologist the following information has been provided:

"We examined the exterior of the building finding no evidence of bats or bat use. The roof appears to be in fair condition with slates and ridges fairly tight allowing little opportunity for bats to enter. However, the barge boards and fascias might allow bats to access underneath in order to roost... We found no evidence of bats: no bat droppings, marks or odours which suggest that bats are or have recently been present. On the balance of probability we feel the likelihood of bat use is low. (However) The potential for bat use is medium given the possibilities within the roof spaces, under the fascias and bargeboards and the scrub and ivy covered walls to the rear which bats are prone to use during the summer. The intended works will be likely to disturb any bats which may be present in or in the upper part of the building which it was impractical to thoroughly check whilst carrying out an assessment as there was no means of access. As such, although we found no evidence of bat use and the likelihood of bat use is low (the vast majority of building examined do not have bats) nevertheless the conditions we found require further work i.e. a summer survey.

In light of the report received by the Ecologist, it is considered that insufficient information has been submitted to prove that the development would not have a detrimental impact on any protected species that might be using the building or wider area contrary to the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

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 liable for a charge under the CIL Regulations 2010 as amended however, the site of the proposed dwellings lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Should the application be approved, the developer will be required to enter into a Section 106 Legal Agreement to provide a contribution of £5,000 to upgrade an

existing bus stop in close proximity to the site. It is considered that this requirement meets all of the above tests and is compliant with the relevant legislation.

Conclusion

Based on the above, it is considered that whilst the development proposed would not have a significantly detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site or highway safety, insufficient information has been submitted to prove that the development would not have a detrimental impact on any potential protected species using the building. The application is therefore considered contrary to the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan and recommended for refusal for the following reason:

RECOMMENDATION: Refuse

1. Insufficient information has been submitted to demonstrate that the development proposed would not have a detrimental impact on any protected species that may be using the building or curtilage contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	15/1334/13 (GD)
APPLICANT:	Persimmon Homes East Wales
DEVELOPMENT:	Outline application for residential development of the land together with the provision of open space, access, landscaping and parking arrangements
LOCATION:	LAND SOUTH OF LLANHARRY ROAD, BRYNSADLER, PONTYCLUN, CF72 9DB
DATE REGISTERED:	22/10/2015
ELECTORAL DIVISION:	Pontyclun

RECOMMENDATION: Refuse

REASONS:

The principle of the proposed development is unacceptable as the proposal would lead to development outside of settlement limits, within a green wedge and special landscape area and on higher grade agricultural land. This outweighs any justification on the basis of a housing land supply shortage.

APPLICATION DETAILS

This application seeks outline planning permission for a residential development of up to 200 dwellings with means of access not reserved, (i.e. details of the access point to serve the development is to be agreed at this stage). It is intended that the development will comprise a mixture of detached, semi detached and terraced properties of two or two and a half storey height and the applicants indicate that the development would deliver up to 40 affordable dwellings in accordance with current policy requirements.

It is intended that the proposal would be developed with significant elements of public open space with existing trees and hedgerows being retained where practicable.

The masterplan indicates that access to the site would be provided by the creation of a new estate road access to be provided approximately 60m west of 1 & 3 Llanharry Road. The planning statement accompanying the application also indicates the applicants intention to provide a footpath link along Llanharry Road to better integrate the development with the established built form and to also deliver a mini roundabout on the junction of Llanharry Road with Cowbridge Road to accommodate the proposed development and improve traffic flows at that junction, (Members should however note that no details are provided of either of these latter elements).

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement;
- Transport Assessment;
- Landscape Character and Visual Impact Assessment;
- Tree Survey and Arboricultural Constraints Report;
- Hedgerow Regulations Survey Report;
- Extended Phase 1 Habitat Survey Report;
- Bat Activity and Tree Assessment Report;
- Reptile Method Statement;
- Dormouse Survey Report;
- Agricultural Assessment
- Heritage Desk Based Assessment;
- Noise Impact Assessment; and,
- Air Quality Assessment

SITE APPRAISAL

The application site is a broadly rectangular area of land formed by two fields of agricultural grazing land on the western edge of Brynsadler located between Paddocks Crescent and Llwyna Farm. The site has a total area of 5.87 hectares and is bounded by Paddocks Crescent to the east, the M4 to the south, Llwyna Farm to the west and Llanharry Road to the north. Access to the site is currently derived from the access road to Llwyna Farm.

The Site benefits from well defined boundaries as outlined above and these are characterised by mature hedgerow to the northern, western and southern boundaries with the eastern boundary with Paddocks Crescent defined by a chain link fence. As the site is comprised of two agricultural fields there are also mature hedgerows crossing the site. The topography of the site is best described as undulating broadly sloping from 60m AOD in the south west to 47m AOD in the north east.

The site is entirely rural in character and sits adjacent to Paddocks Crescent which represents the sudden transition into the built form of Brynsadler and the wider Pontyclun area. In the context of the wider area to the east of the site lies mostly residential development whilst land to the north and west is agricultural as is the land south of the M4.

PLANNING HISTORY

The application site has no planning history

PUBLICITY

The proposed development has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in the submission of 188 letters of objection expressing the following concerns –

Local Development Plan & Planning Policy Issues

- The proposed development site lies entirely within a green wedge and is not allocated for residential development as defined by the Rhondda Cynon Taf Local Development Plan. The Council's agreed and adopted policy in respect of green wedges is designed to prevent exactly this kind of development.
- To allow the development of the site would undermine Local Development Plan objectives by ensuring that much of the development it seeks to promote will never take place.
- Given that the Local Development Plan makes provision for the development of 14000 dwellings the need for further development is questioned. To date 4000 dwellings have been provided and it is reasonable to expect that build rates on allocated sites will increase toward the end of the plan period as developers respond to the opportunities it provides.
- Developers can "game" the planning system with the increase in land value that this site would deliver allowing them to take excessive profits through speculative gains acting as a disincentive for them to pursue sites allocated for residential development in the LDP.
- The proposals are inconsistent with planning policy in respect of Agricultural land. Planning Policy Wales (PPW) indicates that grade 2 & 3a land should only be developed if there is an overriding need for the development.
- There is a planning policy dimension to the highway issue and the LDP indicates that one of its objectives is to ensure the provision of highway improvements necessary to deliver allocated sites are achieved so that they have no adverse impact on the highway network this proposal would have an adverse impact.
- Similarly, Planning Policy Wales (PPW) indicates that local authorities should use their powers to reduce the need to use trunk roads and other through route for short local journeys and that these routes should be identified as corridors for movement adjacent to which development that would compromise such a role should be resisted.
- The new town project proposed for the former Purolite/Staedtler sites will add considerably to existing difficulties when travelling and this proposal would exacerbate matters further if allowed.
- There are sites within the LDP available for housing at Mwyndy and Llanharan and these should be brought forward ahead of this site which is only being proposed for development to boost the developer and land owner's profits.

Housing land Supply

- Reference is made to the successful rejection of proposals in Cowbridge and the Vale of Glamorgan and the same approach is encouraged towards this planning application.
- The applicant argues (on the basis of TAN 1 Joint Housing Land Availability Studies) that RCT is not meeting its five year housing land supply obligations and therefore consideration should be given to consenting sites outside of the LDP to redress the imbalance. This though is inconsistent with TAN 1 paragraph 3.4 which advises that in such circumstances the Council should give consideration to reviewing the LDP

Social & Physical Infrastructure Issues

- There is already a lack of capacity in existing Pontyclun schools and with planned development such as that at Llanilid likely to take up any spare capacity within the Y Pant redevelopment there would be nowhere to accommodate additional pupils
- There is already a lack of capacity within existing health services (including doctors and dentists) in the Pontyclun and Llanharry areas and waiting times are a big issue for many residents.

Highways & Transportation Issues

- The proposed development would prove hazardous to vehicles entering or leaving the proposed site due to the substantial traffic flow between and through Brynsadler and Pontyclun at peak times. Many residents regard existing arrangements to be over capacity/breaking point.
- The additional cars and the trips they would take would exacerbate the already unacceptable traffic congestion in the locality particularly along the A4222.
- Investment by the Council and community council in pelican crossings and parking improvements does not justify this development.
- Site traffic over the period of development (which would occur over a number of years) would also add to congestion locally.
- Soil and other material would carry on to the road making it unsafe and degrading its surface.
- Existing parking facilities in Pontyclun generally and at the railway station in particular are lacking.
- Brynsadler should have been bypassed when the former brewery site was redeveloped some years ago.
- Pontyclun needs a bypass road before any further residential development is allowed
- The developer paying for a rear lane to the terraced properties on Cowbridge road will not resolve the wider highway related problems that exist in the area, and neither will the provision of a mini roundabout particularly as investment to provide this facility has been secured through earlier approved developments
- Similarly the development of a local traffic plan and the developer's willingness to fund this will have no impact as whatever recommendations it makes would be no substitute for the provision of those recommendations which the applicant is not proposing to do.

- The proposed development is also non compliant with the objectives of the draft regional transport plan which seeks to reduce journey times between key settlements within south east Wales.
- The post office refuses to deliver to certain properties on Cowbridge Road due to health and safety concerns.

Agricultural issues

- The suggestion by the applicant that because the size of the site is relatively small the issue of the agricultural quality of the land can be ignored is wrong and illogical as to take such an approach would only lead to developers parcelling agricultural land into smaller units to avoid such consideration.
- Similarly the suggestion that the quality of the land should be considered of a lower classification due to the incidence of littering damage and arson is also illogical given the low incidence of crime in Pontyclun and insulting to nearby residents and an argument that could be pursued in respect of any agricultural land sitting close by an urban area.

The Physical Environment

- The proposed development would if allowed diminish the already limited green areas within the Llanharry and Pontyclun communities.
- The increase in slow moving and stationary traffic that would result from the proposed development would also result in increased air pollution during peak travel periods.
- Maintaining and retaining green areas acts as an environmental control to pollution.
- The fields currently absorb a great deal of rainfall and allowing their development would increase flood risk to residences along Nant Felin Fach.
- The water table in the locality and subterranean flows which gravitate towards Dan Y Bryn and the Nant Felin Fach along with the impact of the development on them need to be understood

The Natural Environment

- The effect of allowing development would degrade the local environment.
- The loss of green space to development would lessen the quality of the local natural environment.
- The development of the site would have an adverse impact on the ecology and biodiversity of the area

Other Matters

- Recent developments along Llanharry Road have doubled the population of Llanharry over the last ten years and any further increases in population and population density would prove detrimental to local quality of life.
- Devaluation of existing property as a result of the current proposals.
- Two and half storey houses will lead to shading of existing properties and a loss of privacy.
- The proposal will impact on views of the area.

Turning specifically to the objections raised by the Assembly Member the issues raised are largely addressed above though Mr Antoniwi does afford insight into issues at a depth that needs further explanation in two areas.

In the area of transport traffic and accessibility Mr Antoniwi makes specific reference to his own questions to Welsh Government Transport Minister Edwina Hart and her subsequent response when discussing the wider South Wales Metro proposals. Mr Antoniwi put it to the Minister that he had previously expressed concerns over links between Beddau, Llantrisant, Talbot Green and Pontyclun given the extent of housing development that has already taken place there or is to come forward. By way of response the minister replied as follows – *“Where we’ve got massive housing expansions or we’ve got new industrial estates coming on, we’ve got to sort out the transport infrastructure. Because if we don’t sort it out it’ll be absolute chaos on some of the existing roads that exist in Wales. I don’t think that anybody should be thinking about giving planning permission for large developments without looking satisfactorily at the concerns around traffic and how you’re going to get people to school, to work and out to leisure”*

In addition to the above Mr Antoniwi also expresses his concern that a reasonable consideration of the application is that it goes against the objectives of and spirit of the Wellbeing of Future Generations Act 2015 particularly Sections 3 and 4.

All objection letters and emails submitted in respect of the current application are available for Members inspection.

CONSULTATION

Highways – At the time of preparation of this report matters relating to highways remained under negotiation and this matter will be reported orally when this matter is presented to Committee.

Drainage – No objections subject to conditions.

Public Health & Protection – No objections are raised to the proposed development and they also point out that the findings of the air quality assessment and noise assessment will have implications for the detailed design of any future dwellings if this application is successful and as the air quality assessment is tied to the illustrative layout any variation from that would require the submission of a new assessment.

Natural Resources Wales – Raise no objection to the proposed development having considered the ecological information submitted in support of the application and advise that any consent issued should have due regard to the recommendations of the submitted reports.

Dwr Cymru Welsh Water – Raise no objection to the proposed development and advise with regard to the location of their infrastructure relative to the application site.

Western Power Distribution – No response received

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

South Wales Fire & Rescue Service – No response received

Countryside Section – Advise that there are no records of statutory protected species in the immediate vicinity of the site and advise that the applicants have submitted an appropriate series of ecological assessments in support of the application. However, there is some concern over the intent for the hedgerows on the site that are considered important under both the hedgerow regulations and UK priority habitat criteria, which is unclear due to the design of the development not being finalised. Similar concerns are expressed in respect of the large oak tree in the middle of the site and the lack of evaluation of the barns as a possible Barn Owl nesting locations.

Education – A development of 200 houses is expected to generate at least 64 pupils of Primary school age and 54 pupils of Secondary age. There is plenty of capacity in the Welsh Medium sector, both in Primary and Secondary, but not in English Medium. There is no capacity whatsoever in the catchment Secondary school and limited capacity in the catchment Primary.

What will be required to support this development therefore will be a one class extension to the local Primary school and a contribution towards additional places in the Secondary school; using the calculation in the SPG this would be a sum of £784,448 for Primary (although the actual cost of the work required would be acceptable if it is less than this figure) and £997,272 for Secondary.

Police – Raise no objection to the proposed development and make a series of recommendations relating to secured by design principles that any future detailed submission in respect of the development of the site should make efforts to adhere to.

WG Highways – Advise that the Welsh Government (Transport) as the highway authority for the motorway and trunk roads in Wales does not wish to raise any objection to the proposed development which will have no material increase in traffic on the trunk road network and access will be gained from the county road network.

Glamorgan Gwent Archaeological Trust – The application is accompanied by a historic environment desk based assessment prepared by Cotswold Archaeology. This work has identified that the site contains the potential buried remains of a late prehistoric or Romano-British enclosure. However the assessment has not been able to establish the size of the archaeological site, the state of preservation of the remains or its importance, though it is likely to be of at least regional significance. In such circumstances Planning Policy Wales section 6.5.2. notes that “If important remains are thought to exist at a development site the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken”

It is therefore our opinion that the applicant should be requested to commence such an archaeological work.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth which benefits Rhondda Cynon Taf as a whole, including, promoting and enhancing transport infrastructure services.

Policy AW1 – Sets out how the Council will deliver sufficient new housing through the development plan up to 2021 and also sets out an expectation that affordable housing requirements can be met

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

Policy AW4 – advises in respect expectations relating to planning obligations and community infrastructure.

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 criteria for the assessment of proposal in relation to their impact on the natural environment.

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

Policy AW14 – aims to safeguard the limestone resource in the County Borough.

Policy SSA10 – allocates land for housing in the south of the County Borough.

Policy SSA11 – requires that new housing development should come forward at a minimum density of 35 dwellings per hectare.

Policy SSA12 – requires the provision of 20% affordable housing

Policy SSA 22 – Identifies the site as lying within the Llanharan, Llanharry and Pontyclun green wedge.

Policy SSA 23 – Identifies the application site as lying within the Llanharry surrounds Special Landscape Area.

Relevant supplementary planning guidance –

Design and Placemaking

Affordable Housing

Nature Conservation

Planning Obligations

Access Circulation and Parking

Employment Skills Training

National Guidance

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

Planning Policy Wales (Edition 8, January 2016)

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 6 (Conserving the Historic Environment),

Chapter 7 (Economic Development),
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 (2015);
PPW Technical Advice Note 2: Planning and Affordable Housing (2006);
PPW Technical Advice Note 5: Nature Conservation and Planning (2009);
PPW Technical Advice Note 11: Noise (1997);
PPW Technical Advice Note 12: Design (2014);
PPW Technical Advice Note 15: Development and Flood Risk (2004);
PPW Technical Advice Note 16: Sport Recreation and Open Space (2009);
PPW Technical Advice Note 18: Transport (2007);
PPW Technical Advice Note 23: Economic Development (2014)
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:

The over-riding issues in the consideration of this planning application are the planning policy position and five year housing land supply.

Principle of the proposed development and housing land supply.

The site has a long history of being promoted as a candidate site for residential development under both the former Taff Ely Local Plan and the Rhondda Cynon Taf Local Development Plan. In the case of the former it was rejected on the basis of a lack of housing land need, agricultural land quality and the proposal being detrimental to the green wedge. The current Local Development Plan in its formative years originally placed the site outside of settlement limits and within a green wedge. The site was promoted in part, as a whole and as part of a larger development area as a candidate site in three guises and these were rejected. This was subsequently followed by the site being promoted under the alternative sites provisions and the Council's representations to the inspector sought to resist the development on grounds that the site related poorly to the existing settlement, there are access restraints associated with junction of Llanharry Road with Cowbridge Road, the agricultural classification of the land and the fact that the development of the site

would lead in part to the coalescence of Llanharry and Brynsadler which the LDP seeks to prevent. The inspector's recommendations were that the site be protected from development by inclusion in the green wedge, a special landscape area and a limestone protection area.

As such, this planning application site lies outside of the defined settlement boundary of Pontyclun and within a green wedge, special landscape area and on the face of it the proposals represent a departure from policies AW1, AW2, SSA22 and SSA23 of the adopted Local Development Plan. The situation is further compounded by the fact that the site is recognised as comprising higher grade agricultural land (See Planning Policy Wales paragraph 4.10.1 and also below). All of this would count against allowing the current proposal.

Balanced against this in favour of the development is the current shortfall in the five year housing land supply in the County Borough which currently stands at 2.4 years (see Planning Policy Wales 9.2.3. and TAN 1 6.2). The need to increase housing land supply in circumstances where Authorities fall below their five year land supply requirements carries considerable weight provided that any proposal would otherwise comply with development plan and national planning policies. Additionally and importantly, the site has to be capable of delivering a contribution to the five year housing land supply figures.

The applicant indicates that the site has the potential to deliver up to 200 units which could be delivered of at a pace of 40 units per annum to deliver the site within the five year bracket. The current shortfall in housing supply is circa 2000 units so the site contribution would be reasonably significant a contribution toward addressing the issue but would not eliminate it.

This though needs to be balanced against concerns about compliance with Local Development Plan Policies and Planning Policy Wales relating to settlement boundaries , green wedges, special landscape areas and high grade agricultural land.

The Settlement Boundary

The first issue that requires consideration is therefore the settlement boundary. As the site lies outside of the settlement boundary the application site is not considered a sustainable location for development. If the site is considered in the context of the wider area of Pontyclun rather than Brynsadler (as Brynsadler itself possesses few facilities) the proposal satisfies other aspects of LDP policy AW2 but the settlement boundary is the principal concern in the context of this policy and in defining the sustainability of this location.

The Green Wedge

Turning to the issue of the green wedge, Members must keep in mind that policy guidance on this issue is clear at the local and national level and the capacity for making exceptions is extremely limited. The planning statement submitted in support of the current application concludes that the site "would not undermine the function of the green wedge ", however and by way of response to the argument presented by the applicants the following need to be kept in mind.

In paragraph 6.14 of their statement the applicants argue that the development would retain the scale of the green wedge between Llanharry and Brynsadler. In reality though the green wedge is perceived as a whole from an 800m length of Llanharry Road and the application site affects approximately 300m of frontage on one side. This has to be regarded as a substantial portion of the green wedge the development of which would clearly impact on its overall character, diminish its presence and clearly contribute to the coalescence of the two affected settlements. In paragraph 6.16 the applicants argue that the proposed development would represent a logical rounding off between Brynsadler and the farm access roads and buildings, the reality is though given that the edge of Paddocks Crescent represents a clear and obvious transition from urban to rural, that it would represent a western extension of Brynsadler from its presently well defined edge into open land, which only serves to undermine the function of the green wedge.

At 6.20 the applicants argue that the development would not amount to a material encroachment into the open countryside as the countryside only becomes open west of Llwyna farm. In reality the appearance of the farm house and associated buildings is not significant enough to detract from the clearly open character of the application site. In fact it's entirely rural character lends weight to the fact that the site is clearly countryside. At paragraph 6.22 the applicant argues that the development would not prejudice the setting of Brynsadler but 200 new dwellings, however well designed, would change that setting from open land to a housing estate.

In addition to this though Chapter 4 of Planning Policy Wales in dealing with sustainability specifically addresses the issue of green wedges and specifically states at paragraph 4.8.14 that *"when considering applications for planning permission in green belts and green wedges a presumption against inappropriate development will apply."* Paragraph 4.8.16 then goes on to set a series of criteria of what constitutes appropriate development and the construction of 200 new dwellings would not be considered such an exception, and paragraph 4.8.18 stated that *"Other forms of development would be inappropriate development unless they maintain the openness of the green belt or green wedge and do not conflict with the purposes of including land within it."* In this instance the proposed development would undermine the purpose of the green wedge which is to maintain the identity of the two villages that it separates and would also represent a substantial erosion of its openness and as demonstrated above, this would have a substantive visual impact.

Given the above it can only be concluded that the impact (visual and physical) of the proposed development on the green wedge would be substantial and the arguments presented by the applicants fail to recognise the true impact of the proposals and do not justify the loss of this land to new residential development.

The Special Landscape Area

The planning statement submitted in support of the current proposals deals with the effect of the development on the special landscape area (SLA) and refers to a landscape character & visual impact assessment (LCVIA) and they correctly point out that policy SSA23 only requires high standards of design in the SLA. However they do not explain how 200 dwellings (even if they possess the very highest design quality standards) would maintain or enhance the quality of the landscape.

The LCVIA addresses both the issue of the green wedge and the special landscape area and assesses the site from eight viewpoints. –

- Access Road to Talygarn House where the site is screened by houses in Talygarn Close and Cowbridge Road.
- Trail near Talygarn Church where the site is screened by the general topography of the immediate area and hedges.
- The A4222 bridge over the M4 where the site is clearly in view at a busy viewpoint.
- A4222 Maesyfelin where the site is screened by trees and the built up area of Brynsadler itself.
- The footpath west of Ty-draw where the site is in clear view at what is a relatively quiet viewpoint.
- Opposite the entrance to Trecastell Farm where the site is screened by trees.
- Footbridge over the M4 by The Elms (Strawberry Lane) where the site is screened by topography and screen tree planting along the M4 At what is considered a quiet viewpoint a development of 2 and 2.5 storey properties might still be visible.
- Forest Road bridge over the M4 Llanharry where the site is screened by topography and M4 screen trees. It is acknowledged that 2 and 2.5 storey development may be visible from this viewpoint which is considered a moderately busy one.

So the LCVIA considers that the site would deliver visual impact from only viewpoints 3 and 5 and that buildings would be visible from viewpoints 7 and 8 as well there is no consideration of views of the site along Llanharry Road itself. If views along Llanharry Road are considered at for example the entrance point to Llwyna Farm, adjacent to 3 Llanharry Road and from Castell –Y -Mwnws, then in all three cases the site is in plain view. Even taking into account the mitigating impact that landscaping could have if the site were to be developed the LCVIA is considered to underestimate the visual impact of the proposals and is wrong to conclude that the development would have only minor adverse visual and landscape character impacts.

The fact that the LCVIA makes this underestimation of landscape and visual impacts means that its conclusions cannot be relied upon if this application is to be determined positively.

Sustainability

In considering the issue of sustainability there is an issue in as much as the site being outside of settlement limits of an adopted local development plan is inherently unsustainable. However, it is important to consider the issue beyond face value against criteria identified in Chapter 4 of Planning Policy Wales.

Paragraph 4.4.3. of Planning Policy Wales sets sustainability within the context of the goals and objective of the Well-being of Future Generations Act 2015, setting criteria that new development should comply with or at least aspire towards. In this case whilst many of the points might be considered generic or global, there are certain points that are specific that the proposal either falls foul of or favour it. For instance the proposal demonstrates little in the way of being able to reduce the incidence of travel by means other than the car and as revealed in the response of Glamorgan Gwent Archaeological Trust, has not demonstrated due regard to the cultural/historic environment. Conversely, the requirement to ensure that all communities have sufficient good quality housing to meet their needs currently plays in favour of the proposal given current housing land supply figures.

Finally on the issue of sustainability, Members are referred to the comments above in relation to Chapter 4 of Planning Policy Wales with regard to development in green wedges which clearly counts against allowing this proposal.

Agricultural land

The application site is predominantly high grade agricultural land (5% grade 2 and 79% grade 3A as per the applicant's own agricultural assessment). Given the quality of the land involved here it is reasonable to afford substantial weight to the protection of the site from development. The assessment concludes that there is in this case no need to apply considerable weight in this case as the area of high grade agricultural land (4.8 hectares) sits below the 20 hectare threshold for consulting on development proposals with the Welsh Government. This though is fundamentally misplaced as the threshold relates to procedure not policy and whether or not such relatively high grade agricultural land should be lost to development is a matter of policy. In this latter respect the agricultural assessment offers little in the way of argument to support the applicant's position other than to suggest that the manner in which the land is being used and its proximity to established settlements means that it is not used to its full potential this though is a reflection of choice on the part of those working the land rather than the capability of the land itself. Clearly there is insufficient evidence provided by the applicant in this case to justify the release of this land to housing.

Deliverability

The applicant in this case is a volume house builder with an option to purchase the site and as such, on the face of it at least, the site would appear to be deliverable within a relatively short time frame. However the applicant has not indicated a willingness to accept a shorter period for the submission of reserved matters other than verbally. Deliverability also relies on the site being viable with a full suite of contributions (CIL, affordable Housing necessary off site contributions – highways education etc) The applicants have not provided any information to indicate that with all of these contributions the site would remain financially viable. Members should also note that the Community Infrastructure Levy (CIL) which is supported by its own supplementary planning guidance was introduced on the basis that it would deliver the strategic improvements that would be necessary as a result of the development identified in the Local Development Plan coming forward. In this case the site is not proposed for development under the Local Development Plan and it is the view of officers that it is reasonable to expect in such circumstances that the site should

meet its CIL obligations and any other extraneous costs to the Authority that might result from it e.g. in the need for further educational provision.

This latter point is important as viability will be the single most important factor as to whether the development would proceed if a consent is issued and if viability is questionable then it would affect the ability of the site to make a meaningful or potentially any, contribution to the five year housing land supply.

In summary the principle of development in this case is affected by a series of complex issues the balance of which does not favour allowing the proposed development.

Access and highway safety

Members will note that matters relating to access and highway safety were still the subject of negotiation at the time of preparation of this report and the relevant officer will report orally in respect of this issue when the matter is considered. It should though be noted that the applicants are offering substantive off site benefits to the highway network in the locality through the provision of a mini roundabout at the junction of Llanharry Road with Cowbridge Road and by the provision of a rear lane to the rear of houses on Cowbridge Road that could deliver the possibility of off street parking for those properties for the first time.

Other Issues:

In their planning statement the applicants make reference to the recently approved scheme for 77 dwellings at Elms Farm pointing out that proposal was also in the green wedge and outside of settlement limits. However, there are considerable differences between this site and the Elms Farm that are sufficient to warrant an alternative conclusion. Firstly Elms Farm occupies a discreet, low lying and unobtrusive end of the green wedge. Secondly, Elms Farm does not lie in a special landscape area as this site does and finally, none of the Elms Farm site was ever high quality agricultural land. Consequently the development at Elms Farm represents no precedent whatsoever for the development of this site.

Members will also be mindful of the comments above from the Glamorgan Gwent Archaeological Trust highlighting the need for further work in respect of this site before it would be possible to determine the application favourably. As such this failure to properly evaluate the site represents a failing in the submission. Similarly, before a positive decision could be made in respect of this application better understanding of the likely impact on the hedgerows around and within the site needs to be established in terms of what would be lost and particularly then that impact on wildlife habitat as a consequence, and this situation is further complicated by negotiations over access arrangements which though not finally concluded would likely result in further loss of hedgerow to the frontage on Llanharry Road.

The impact of the proposal on the character and appearance of the area is largely dealt with above in the sections relating to the green wedge and the special landscape area. As this is an outline planning application there is little to add in respect of this issue at this time other than to reiterate that the impact of the proposed development will be quite profound for both the application site and the wider area extending the urban built form into an entirely rural parcel of land

Turning to the issue of residential amenity and privacy it has to be kept in mind that this is an outline planning application with all matters other than means of access reserved. As such there is little to consider particularly as the applicants have been able to demonstrate through the submission of an illustrative layout that the site does possess the potential to be developed in an acceptable manner in design terms at least, with regard to these specific issues. However this would also mean that a number of existing residents (particularly those in Paddocks Crescent) would lose their current outlook or view.

Natural Resources Wales have confirmed that there is no evidence that there would be an adverse impact on the hydro-geology of the area.

Members will note the comments of the local Assembly Member Mr. Antoniwi relating to sections 3 and 4 of the Well-being of Future Generations Act 2015. Whilst in its latest iteration Planning Policy Wales has been updated to reflect the goals and objectives of that Act (largely in Chapter 4 relating to sustainability) the sections referred to have not yet been enacted and as such cannot be afforded their potential full weight.

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.

Community Infrastructure Levy

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. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL for this development would be determined on the submission of reserved matters or a full planning application if Members were minded to support the current application.

The Section 106 requirements in this case

In this instance and in addition to the Community Infrastructure Levy requirements the applicants would also need to secure a Section 106 agreement to make adequate provision of affordable housing and to secure the provision and maintenance of a play area and public open space, along with any required improvements on the local transport network and a local employment plan.

Conclusion

This application has to be determined with regard to planning policy considerations. The settlement boundary, the green Wedge, the special landscape area and the grade of agricultural land involved all weigh against the application and the submissions made by the applicant arguing to the contrary are not considered to outweigh the significant policy objections. Additionally with regard to the archaeological significance of the site and the impact of the development on the hedgerows affected by the development, there is a lack of information that would enable Members to make an informed decision. In light of the above, there is a fundamental objection to the proposed development which cannot be overridden purely on the basis of housing land supply.

RECOMMENDATION: Refuse

1. The proposal if allowed would represent unjustified residential development in the open countryside contrary to the requirements of Rhondda Cynon Taf Local Development Plan Policy CS2 (2) (7).
2. The proposal if allowed would represent residential development in an unsustainable location contrary to the requirements of Policy AW2 of the Rhondda Cynon Taf Local Development Plan.
3. The proposed development if allowed would represent an unjustified erosion of the green wedge between the settlements of Brynsadler and Llanharry contrary to the requirements of Rhondda Cynon Taf Local Development Plan Policy SSA22.
4. The proposed development if allowed would represent an unwarranted urban extension into an area recognised and designated for its special landscape qualities contrary to the objectives of Rhondda Cynon Taf Local Development Plan Policy SSA23.
5. Insufficient information has been submitted by the applicant to properly evaluate the impact of the proposed development on the archaeology of the site or the extent and impact of any hedgerow loss associated with the development.
6. The proposal if allowed would lead to the unjustified loss of higher grade

agricultural land contrary to the requirements of Section 4:10 of Planning Policy Wales (Edition 8, January 2016).

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APPLICATION NO:	15/1386/13 (GD)
APPLICANT:	Efail Estates and Peter Eprile
DEVELOPMENT:	Outline planning application for the construction of medical centre and residential development (150 units), open space and landscaping improvements and associated works.
LOCATION:	LAND AT CWM UCHAF FARM, HEOL DOWLAIS, EFAIL ISAF, PONTYPRIDD, CF38 1BD
DATE REGISTERED:	19/11/2015
ELECTORAL DIVISION:	Llantwit Fardre

RECOMMENDATION: Refuse

REASONS:

The principle of the proposed development is considered unacceptable as the development of the site would take place outside of settlement limits in an unsustainable location and would adversely impact on a designated special landscape area. The proposed development is also considered unacceptable in highway terms and insufficient information has been submitted to enable an appropriate evaluation of the impact of the proposed development on local ecology.

APPLICATION DETAILS

This planning application seeks outline planning permission with all matters of detail reserved for future consideration for the development of 150 dwellings along with a medical centre (6 consulting rooms, nurses' rooms and pharmacy) and landscaping public open space and all associated works.

Access to the site will be derived through the village and with improvement to the existing arrangement at Ty Celyn Road.

The illustrative masterplan submitted with the planning application indicates that the smaller eastern element of the site to the north of Ty Pica House, would be given over to the provision of the health facility with only a small mews court development serviced from the same access road. The larger western element of the site would be developed entirely as housing formed around but with no specific relationship to Cwm Uchaf Farm itself the plan illustrates a typically angular street layout with housing formed in terraced blocks, semi detached and detached units. The masterplan also illustrates the provision of a village green in the north western part of the site and a sterile strip of land underneath the line of the high power overhead lines where a local equipped area for play is also indicated.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement,
- Transport Assessment

- Drainage Strategy,
- Flood Consequences Assessment,
- Landscape and Visual Impact Assessment,
- Tree Survey,
- Ecological Assessment, and;
- Site Investigation Report.

SITE APPRAISAL

The application site is located immediately to the south of Heol Iscoed and Penywaun Efail Isaf, and comprises some 6.3 hectares of land formed into an irregular shape. The site is agricultural in nature and its northern boundary follows the rear boundary of the above mentioned streets. The eastern boundary is hedgerow with pasture land beyond whilst the southern and western boundaries are bound by the curtilage of Ty Pica House and Cwm Uchaf Farm respectively and are formed largely in hedgerow with the southern boundary stopping short of the Nant Y Felin.

Internally the site is formed from a patchwork of relatively small fiends defined by hedgerows and the access lane to Ty Pica House. The fields give the appearance of unimproved grass land. The land has an undulating appearance with a general fall from north to south

Efail Isaf lies to the south of the Church Village bypass road and other than for a village shop/post office, pub and village hall is entirely residential in character with a range of housing comprised of housing and bungalows with design ranging from traditional terraces through to modern detached dwellings.

PLANNING HISTORY

The following details reflect the planning history of the site along with any past applications that might have been associated with the site.

56/90/0669	One detached house	Refused 25/10/90
56/88/0294	Erection of 4no. houses	Refused 13/06/88 Appeal dismissed 07/03/89
56/79/2032	Residential development (outline application)	Refused 02/04/80
56/78/1806	One dwelling (outline application)	Refused 28/02/79
56/78/1805	Outline application for an equine centre (riding school) and cafe	Refused 28/02/79
56/78/0976	Erection of a dwelling (outline application)	Refused 11/12/78
56/76/0189	Kennels (outline application)	Withdrawn 04/01/79
56/74/0622	Riding establishment (pony trekking)	Approved 11/12/74

PUBLICITY

The application has been advertised by means of press notice site notices and neighbour notification letters. This has generated the submission of 147 letters of objection including one from local Assembly Member Mick Antoniw and one from regional Assembly Member Andrew RT Davies and two petitions one with 113 signatures and one with 98 signatures raising the following issues –

Planning policy issues

- The preference of the Welsh Government in planning policy terms is that brownfield sites should be developed ahead of Greenfield sites like the current application site and thus far there is no progress in the delivery of the brownfield Cwm Coking Works site even though it has the benefit of outline planning permission.

Housing land supply issues

- The provision of only 150 dwellings will have little impact on the housing land supply figures but would have a massive effect on what is a relatively small village.
- In objecting to the development a number of residents have made reference to an appeal decision on a site at Primrose Hill in Cowbridge in the Vale of Glamorgan citing this as an example of planning permission being refused even though housing land supply was a weighty consideration in the determination of the appeal, (see below)

Social and physical infrastructure issues.

- The provision of additional housing will place additional strain on education facilities in the area that they are incapable of coping with as most schools in the area are at or near capacity and the applicants provide no indication of how they intend to address this issue.
- It is claimed that the existing foul drainage system in the village is operating at or near capacity and that it is incapable of accommodating the additional flows that the proposed development would bring. Similarly sewers which pass through adjacent land have been known to burst.
- It is suggested that before planning permission is granted hydraulic modelling for the foul sewer arrangements should take place.
- Some residents indicate that further clarification is required of the funding arrangements for the construction and future maintenance of the proposed medical centre will be managed and are sceptical over how or if it can be staffed given the current shortage of medical professionals in Wales stating that the Local health Board do not appear to have any plans for additional medical services in the area.

The physical environment

- The development of the site would lead to unacceptable levels of pollution, dust and noise in the village and would be unacceptably focused around the single access route into the site.

- The Nant Y Felin is already subject to flooding and the applicants have given no account of how this would be managed with further development or how the consequences of development would be managed.

The natural environment

- The area is both a Site of Interest for Nature Conservation and a designated Special landscape Area. When the applicants attempted to promote the site through the LDP process both NRW and CCW at the time raised objection to the proposal.
- It is claimed that a number of European protected species are present on the site or use the site and that the marshy fields, stream corridor and hedgerows are features of high ecological value.

Sustainability

- Efail Isaf is a relatively isolated village with one shop one pub, one church and one village hall and is cut off due to the fact it lies south of the bypass. The development is not providing any sustainable benefits and will have a detrimental effect on the village as a whole.

Highways, transport and movement related issues

- Efail Isaf is cut off from the facilities in Church Village/Llantwit Fardre by the bypass road and to suggest that residents of the proposed access to these facilities, some of which are up to 2km distant is misleading.
- The number of buses passing through the village as claimed by the transport assessment is challenged – residents claim it is only one at day time as opposed to the ten claimed by the applicants and consequently anyone wanting to travel is obliged to use their car in most circumstances.
- The additional traffic generation generated by the proposed development will have detrimental impact on the highway network which is not built to modern standards being narrow in places and often impassable in severe weather.
- The ability of the original railway bridge to cope with additional traffic is questioned.
- It is claimed that the conclusions of the transport assessment are incorrect as the proposed development will result in no sustainability benefits to the community and there will be a significant traffic impact
- Public rights of way which cross the site will not be allowed to be diverted on to adjacent land in the ownership of other land owners.
- The illustrative layout shows an existing public right of way to be enhanced through woodland management to create new pedestrian and cycle links and adjacent owners have indicated that they would resist any moves to make similar upgrades to adjacent land.

Other issues

- A number of private rights of way that benefit existing residents traverse the site and these would be lost if the illustrative layout were to be implemented.
- Mains services to Cwm Uchaf Farm pass through the proposed development site and the occupant expects these to be maintained

Turning specifically to the objections raised by the Assembly Members the issues raised are largely addressed above though Mr Antoniwi does afford insight into issues at a depth that needs further explanation in two areas.

In the area of transport traffic and accessibility Mr Antoniwi makes specific reference to his own questions to Welsh Government Transport Minister Edwina Hart and her subsequent response when discussing the wider South Wales Metro proposals. Mr Antoniwi put it to the Minister that he had previously expressed concerns over links between Beddau, Llantrisant Talbot Green and Pontyclun given the extent of housing development that has already taken place there or is to come forward. By way of response the minister replied as follows – *“Where we’ve got massive housing expansions or we’ve got new industrial estates coming on, we’ve got to sort out the transport infrastructure. Because if we don’t sort it out it’ll be absolute chaos on some of the existing roads that exist in Wales. I don’t think that anybody should be thinking about giving planning permission for large developments without looking satisfactorily at the concerns around traffic and how you’re going to get people to school, to work and out to leisure”*

In addition to the above Mr Antoniwi also expresses his concern that a reasonable consideration of the application is that it goes against the objectives of and spirit of the Well-being of Future Generations Act 2015 particularly Sections 3 and 4.

Members should also note that while some members of the public have expressed some concern in respect of technical issues being correctly addressed should the development proceed at least two of them have been specific in stating that they have no objection to the site being developed.

CONSULTATION

Highways & Transportation – The application is supported by a transport Assessment having given due consideration to that assessment objection is raised to the proposed development

Land Reclamation & Engineering Manager (Drainage) – No objections subject to conditions.

Public Health & Protection – No objections subject to conditions.

Education – Express concerns at the impact of housing development in this area which is outside of the settlement limits and not identified in the LDP. There is at present no Primary Education provision serving the area proposed for development at all.

If this development and others being planned for this area south of Llantwit Fardre/Efail Isaf go ahead, the only option to provide the school places that are required will be a new Primary school for this catchment area. There is insufficient capacity in neighbouring schools to cater for this and the other developments proposed and extensions of the size that will be required are not feasible.

Countryside Section – Comment as follows –

There is sufficient evidence to suggest that some of the semi improved pastures may be of ecological importance and this can only be defined better with more detailed vegetation survey assessment (Phase II Vegetation work).there is also the chance that the site may support marsh fritillary butterfly habitat and again that specific habitat potential needs to be addressed. An assessment of grassland fungi within the short grazed horse pasture is required.

While the ecological report doesn't conclude that any specific species survey work is required to advise the application, the section disagrees and is of the view that the Council should expect the following detailed survey work;

- Bats (including bat activity)
- Amphibians
- Reptiles
- Badgers
- Otter
- Breeding Birds
- Marsh fritillary butterfly

Therefore, the Countryside Section is of the opinion that the baseline survey assessment submitted is insufficient to assess the ecological impacts of the planning application (and the conclusions reached in that report) , and if no more detailed is provided they would object to the application on an lack of ecological information

Natural Resources Wales – Raise no objection to the proposed development, though they do express concern it is unclear that the preliminary ecological assessment was carried out over a single day, several days or several weeks. They also note from the report that *“a full impact and significance setting cannot be carried out until a full ecological evaluation has been made. This depends on the results of surveys which have as yet not been undertaken.”*

As such NRW are unable to comment further with regard to European protected species.

If development is to proceed, a 15m wide buffer zone will be required along the adjacent watercourse.

If the development is to proceed a condition would be required to secure the removal of invasive plant species.

The non technical summary of the ecological assessment refers to the presence of ephemeral ditches in paragraph 5 and then makes no further reference through the report. An ephemeral ditch runs along the northern boundary of the site and it is unclear if this is to be filled or retained in the course of the proposed development. If the ditch is to be in-filled this may trigger the requirement for a water framework directive assessment.

Conditions will be required in any planning permission granted to prevent pollution of the water environment, and if drainage arrangements require discharge to a watercourse then the applicant will need to apply for a permit under the Environmental Permitting (England & Wales) Regulations 2010.

It is acknowledged that the indicative plan shows that there will not be any development within flood zone C2 and consequently no objection to the development is raised on flood risk grounds.

Dwr Cymru Welsh Water – No objections subject to conditions

Western Power Distribution – No observations received within the statutory consultation period.

Wale & West Utilities – Raise no objection to the proposed development and advise with regard to the location of their apparatus in proximity to the application site and safe working practices to be adopted when working in close proximity to it.

Coal Authority – Is satisfied with the conclusions of the site investigation report informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues

Glamorgan Gwent Archaeological Trust – There are no known archaeological features within this area, further historic mapping with coverage of the area does not suggest the likelihood of any as yet unrecorded archaeology being encountered during development. As such we have no archaeological objection to the positive determination of this application and do not recommend you attach any archaeological conditions to any consent granted.

Cwm Taf Health Board – No response received.

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 – Sets out the housing land requirements for the development plan period.

Policy CS5 – sets out the affordable housing target for the plan period.

Policy CS10 – seeks to protect the mineral land bank for the area.

Policy AW1 – sets out the housing land supply requirements for the plan period.

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

Policy AW4 – Sets out the criteria for community infrastructure and planning obligations in relation to planning applications

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 – seeks to protect the natural heritage of Rhondda Cynon Taf.

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

Policy AW14 – safeguards mineral resource areas from development which will result in the sterilisation of the resource.

Policy SSA11 – requires a minimum residential density of 35 dwellings per hectare in the southern strategy area.

Policy SSA12 – requires the provision of 20% affordable housing in the southern strategy area.

Policy SSA13 – Supports residential development within settlement boundaries

Policy SSA23 – Identifies special landscape areas in the southern strategy area and SSA 23.8 specifically identifies the site as within the Efail Isaf, Garth and Nantgarw western slopes SLA.

Relevant Supplementary planning guidance –

- 1 – Design & Placemaking
- 5 – Affordable Housing
- 6 – Nature Conservation
- 7 – planning Obligations
- 8 – Access Circulation & Car Parking
- 10 – Development of Flats
- 11 – Employment Skills

National Guidance

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

Planning Policy Wales (Edition 8, January 2016)

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 7 (Economic Development),
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 (2015)
PPW Technical Advice Note 2: Planning and Affordable Housing (2006);
PPW Technical Advice Note 5: Nature Conservation and Planning (2009);
PPW Technical Advice Note 12: Design (2014);
PPW Technical Advice Note 15: Development and Flood Risk (2004);
PPW Technical Advice Note 16: Sport Recreation and Open Space (2009);
PPW Technical Advice Note 18: Transport (2007);
PPW Technical Advice Note 23: Economic Development (2014)

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:

The key factors in the determination of this planning application are the planning policy position and five year housing land supply, sustainability, ecology, the water environment, highways and transportation issues, the impact of the proposal on the character and appearance of the area and the impact of the proposals on residential amenity and privacy of existing residents.

Planning policy and housing land supply

There are a number of key areas that inform the planning policy position with regard to this particular planning application. The site is located within the southern strategy area of the Local Development Plan and lies outside of defined settlement limits. The site is located within a Special landscape Area and is also within a sandstone resource area. Small parts of the site lie within C2 flood zone and within a Site of Interest for Nature Conservation.

The application site lies outside of but immediately adjacent to the settlement boundary in what is clearly a countryside location. The principle of development outside of the settlement limits in the south of the County Borough is considered unacceptable and would of itself raise a policy objection. However this is an issue that needs to be balanced against the 5 year housing land supply situation which in this case constitutes a weighty material consideration because as matters currently stand that requirement is not being met. The five year housing land supply for Rhondda Cynon Taf required by Planning Policy Wales paragraph 9.2.3. and PPW Technical Advice Note 1 Joint Housing Land Availability Studies as at 1st April 2015 is in shortfall at 2.4 years. Consequently the need to increase housing land supply carries considerable weight providing the development would otherwise comply with the development plan and national planning policy. Additionally the site also has to be capable of contributing to the five year land supply.

In order to provide certainty that the site is genuinely available and deliverable to contribute to the five year housing land supply figures the scheme should be supported by a viability assessment that demonstrates that the scheme is financially viable with full consideration being given to Section 106 and Community Infrastructure Levy requirements. There is no such submission in support of the planning application in this case and the lack of such information only lends uncertainty to an area where certainty is required in terms of the capacity of the proposed development to make a meaningful contribution to the housing land supply shortfall in Rhondda Cynon Taf.

The principle of allowing any housing development outside of the settlement boundary can only be acceptable in circumstances where the Council is certain that the delivery of the scheme will make a genuine and meaningful contribution to the housing land supply figures, in addition to the viability issues identified above, the Council would reasonably require an indication of when the scheme would be likely to commence and the build rate of the proposed development. The applicant has not provided any such information other than to state that they are of the view that the scheme would come forward within five years – more information regarding this issue is required.

In this case the application is being promoted by the landowner and other interested parties, and in order to accept the principle of allowing this development the Council needs certainty that the site is ready to be developed. This should include an assurance from the applicant that there is a house builder ready to develop the site and no information has been provided which allows the Council to be certain of this.

Nonetheless, as pointed out in the most recent annual monitoring report of the Local Development Plan in terms of actual monitoring targets as they currently stand it is accepted that they are not being achieved and it is unlikely that this can be addressed without specific intervention. The same report does though point out that it is considered that the forthcoming review of the Local Development Plan will form the basis of any necessary intervention in the delivery of housing through the plan led process.

A number of objectors have pointed out that earlier Annual Monitoring Reports have made reference to the fact that the Southern Strategy Area is meeting delivery targets with regard to housing Numbers. Whilst this was the case up until the 2014 report as of 2015 this is no longer the case.

With regard to the issue raised by objectors in respect of the Cowbridge appeal decision mentioned above, there are some parallels with this case though the differences are more striking. Whilst the housing land provision situation was debated widely at the public inquiry into that application in determining the application the appointed inspector actually refused the application on the basis of the unacceptable harm the proposed development would have on the landscape and visual amenity of the area and in his conclusions noted that regardless of the way that housing land supply is calculated it would not outweigh the above mentioned harm.

Sustainability

The application site lies outside of the settlement boundary and as mentioned above the lack of a five year housing land supply means that sites like this and others currently the subject of planning applications have to be given consideration as land supply becomes an increasingly prominent material consideration. Such proposals however, also need to be acceptable in all other planning and particularly planning policy aspects and that includes the issue of sustainability. Planning Policy Wales emphasises that that new development should be located in sustainable locations and this requirement is also reflected in Local Development Plan policies and particularly AW2. In considering the sustainability of Efail Isaf it is essential to consider travel to and from the settlement by means other than the car along with the services and facilities that are available to serve the development. Within Efail Isaf

there is currently a village shop/post office, a pub, a village hall and a chapel. The closest centre to the site is approximately two miles distant and routes to Llantwit Fardre and Church Village are both to the north of the bypass road and uphill from this development site. There is no school in Efail Isaf and it has no doctor's surgery.

On the issue of public transport there is no railway station within walking distance of the site the nearest being Treforest industrial estate which is some miles away and has a limited service. Bus travel provision is similarly sparse with only one bus service serving the site. The bus timetable reveals that the bus runs at one and a half to two hourly intervals to Pontypridd and the last bus leaves the village at 5:30pm. The net result of such limited service is that people are largely forced into using their cars. The transportation statement submitted alongside the planning application reveals that car use in the Efail Isaf /Llantwit Fardre area is higher than the Wales average and higher than the Rhondda Cynon Taf average, all of which supports the fact that this is a car dependent settlement.

As such, given the relatively isolated location, the lack of social infrastructure and the paucity of transportation options, the proposed development is considered contrary to policy on sustainability as outlined in chapter 4 of Planning Policy Wales and Local Development Plan policy CS2.

Ecology

A small part of the application site also lies within a Site of Interest for Nature Conservation (SINC) and if the impacts on the SINC are unacceptable then there would be a policy based objection to the proposed development. Members should note from the comments of the Council's Ecologist which are recorded above, that the baseline ecological survey submitted in support of the application is inadequate and that there is a need for further survey work in respect of specific species that has not been provided. This point of view is also reflected in the response received from Natural Resources Wales in respect of their views on ecological matters and they confirm that further work will be required before it can be concluded that there will be no adverse impact from the proposed development.

The net result of this is that the applicant have not sufficiently demonstrated that there will be no unacceptably adverse impacts on local ecology and as such they have failed to demonstrate compliance with Local Development Plan policy AW8 in that they have not sufficiently demonstrated that there would be no adverse impact on the SINC and the features of importance for nature conservation that might be present.

The water environment

The area of the site affected by the SINC is also the part of the site that lies within zone C2 floodplain as defined by PPW Technical Advice Note 15 Development & Flood Risk. The consequence of this is that in developing the site the consequences of flooding would need to be assessed and be demonstrably acceptable to enable the development to proceed. To that end as part of this submission the applicants have provided a drainage strategy and a flood consequences assessment. In respect of the flooding issue Natural Resources Wales have concluded that they have no adverse comment to make on the basis that the indicative layout showed only one garden area of the proposed development encroaching on to the floodplain. It is also noteworthy that elsewhere when commenting on the ecology of the area

(and notwithstanding their concern at the lack of detail submitted) that a 15m wide buffer zone along the watercourse would be required in respect of any development in order to protect species that may be making use of that corridor and this would inform and to some extent constrain any future proposals for the residential development of the site, though ultimately it is an issue that could be controlled through the conditioning of any planning consent.

Impact on the character and appearance of the area

The site is located in a special landscape area (Efail Isaf, Garth & Nantgarw slopes) as designated by policy SSA23.8 of the Local Development Plan. The southern area of the special landscape area which the site in part occupies are designated to protect the unspoiled low lying farmland, common land and gentle valley slopes which form a visual backdrop to the settlements in the area. The landscape and Visual assessment (LVIA) submitted with the planning application rates the impact on the special landscape area as a slight adverse impact visible from two viewpoints.

The submitted documents prepared by Asbri Planning and the Tirlun Design Associates have been reviewed by the Council's landscape architect. The documents represent a reasonably comprehensive assessment of Landmap data and a visual and landscape assessment of the site to GLVIA standards. However, with regard to this site the Landmap data for the Cardiff area should have also been reviewed given the close proximity of the site to the boundary with Cardiff. Although a viewpoint from the Community Routes was submitted a location further west of Efail Isaf would have been preferable ideally associated with the footbridge, and a further image from Heol Iscoed and Ty Celyn should also have been considered. If Members are minded to support this proposal then this additional information should inform any positive decision taken.

With regard to the landscape mitigation and enhancement proposals contained in the supporting documentation to the application in principle the suggested layout appears acceptable in terms of soft landscape components. The use of native species is acceptable though it is recommended that no additional planting is undertaken in the southern woodland or on its edges. In such locations natural regeneration measures are preferred to enhance and improve the vegetation growth. Additionally in this case if the application is to proceed this aspect of the proposals would also need to be informed by the comments of Natural Resources Wales with regard to the provision of a buffer zone along the banks of the adjacent stream.

There would also though be a wider impact in the context of the character of Efail Isaf being a relatively small village and the addition of 150 dwellings would add substantially to its overall numbers in the provision of an estate of entirely new housing adding another layer to its overall character further broadening the mix of housing that the village offers. Whilst it can be argued that additional dwellings will place greater strain on the limited facilities the village has to offer the potential for it to add to the diversity of available facilities in the form of the surgery promoted as part of this application should not be ignored.

Impact on residential amenity and privacy

Turning to the issue of residential amenity and privacy it has to be kept in mind that this is an outline planning application with all matters other than means of access reserved. As such there is little to consider particularly as the applicants have been

able to demonstrate through the submission of an illustrative layout that the site does possess the potential to be developed in an acceptable manner in planning terms at least, with regard to these specific issues. However this would also mean that a number of existing residents (particularly those with homes that currently back on to the site) would lose their current outlook or view.

Access and highway safety

Consideration of the observations submitted by the objectors clearly illustrates that access to the site is a key concern in the consideration of this proposal and particularly the means of access through the village to the site itself. As mentioned above the application is supported by a transport assessment and this has been subject to independent scrutiny by Capita on behalf of the Council. Consideration has covered key areas such as the extent of the assessment, trip generation for the residential and medical elements, base and future year assessments, traffic flows, consideration of committed development, percentage impact assessment, junction assessment, collision analysis, sustainability, travel plan, the design and access statement, access issues, vision splays, internal road layout and parking provision. It has been concluded that the proposals are unacceptable in highway terms on the basis of visibility at junctions and a lack of information in respect of learner travel/active travel assessment and this forms the basis of three of the suggested reasons for refusal below.

Deliverability

The applicant in this case is not a volume house builder with an option to purchase the site but a company and local entrepreneur hoping to bring the site forward and as such, there is a lack of certainty on the face of it at least, the site would appear to be deliverable within a relatively short time frame. This is important as the rationale for the current promotion of the site has been on the basis that it would help address the current housing land supply shortage.

Additionally, the applicant has not indicated a willingness to accept a shorter period for the submission of reserved matters.

Deliverability also relies on the site being viable with a full suite of contributions (CIL, affordable Housing necessary off site contributions – highways education etc) The applicants have not provided any information to indicate that with all of these contributions the site would remain financially viable. . Members should also note that the Community Infrastructure Levy (CIL) which is supported by its own supplementary planning guidance was introduced on the basis that it would deliver the strategic improvements that would be necessary as a result of the development identified in the Local Development Plan coming forward. In this case the site is not proposed for development under the Local Development Plan and it is the view of officers that it is reasonable to expect in such circumstances that the site should meet its CIL obligations and any other extraneous costs to the Authority that might result from it e.g. in the need for further educational provision.

This latter point is important as viability will be the single most important factor as to whether the development would proceed if consent is issued and if viability is questionable then it would affect the ability of the site to make a meaningful or potentially any, contribution to the five year housing land supply.

Other Issues:

The local Assembly Member has made reference to the Well-being of Future Generations Act 2015 suggesting that the current proposals are in conflict with its content and spirit. Sections 3 and 4 of the Act are yet to be brought into force and while they are the sections of the act that will most influence planning in Wales and lead to future subsequent changes in Planning Policy Wales at this point in time they can only be afforded limited weight as a planning consideration.

Members will note the concerns expressed above by the education department and the applicant has given no indication of any intention to address the issue despite the fact that at primary education level at least there is a clear problem here. Given the lack of engagement it is presumed that the promoters of this site would be relying on the Community Infrastructure Levy to address this issue.

Despite the concerns expressed by some residents with respect to the capacity of the drainage system in Efail Isaf to deal with additional development this issue has not drawn any objection or concerns from statutory consultees. Similarly NRW have not raised any objection with regard to flooding suggesting that this matter can be adequately controlled through the provision of a buffer zone between the development and the Nant Y Felin.

Matters relating to private rights of way and the maintenance of services through and across the site are in essence private issues that would not impact on the making of a decision in respect of this planning application.

Members will note the comments of the local Assembly Member Mr. Antoniwi relating to sections 3 and 4 of the Well-being of Future Generations Act 2015. Whilst in its latest iteration Planning Policy Wales has been updated to reflect the goals and objectives of that Act (largely in Chapter 4 relating to sustainability) the sections referred to have not yet been enacted and as such cannot be afforded their potential full weight.

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

Community Infrastructure Levy

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. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL for this development would be determined on the submission of reserved matters or a full planning application if Members are minded to support the current application.

The Section 106 requirements in this case

In this instance and in addition to the Community Infrastructure Levy requirements the applicants would also need to secure a Section 106 agreement to make adequate provision of affordable housing and to secure the provision and maintenance of a play area and public open space, along with any required improvements on the local transport network and a local employment plan.

Conclusion

In concluding this application has to be determined with regard to planning policy considerations that impact upon this particular proposal. The settlement boundary, sustainability issues, and the special landscape area all weigh heavily against the development and the submissions made by the applicant arguing to the contrary are somewhat inaccurate, partial and also unconvincing. Additionally to some extent, as is the case with regard to the ecology of the site, there is a lack of information that would enable Members to make an informed decision that would afford appropriate weight to that particular issue. In light of the above, there is an objection to the proposed development which cannot be overridden purely on the basis of an argument that relates to housing land supply and the balance of considerations clearly does not favour the principle of residential development on the application site.

RECOMMENDATION: Refuse

1. The proposal if allowed would represent unjustified residential development in the open countryside contrary to the requirements of Rhondda Cynon Taf Local Development Plan Policy CS2 (2) (7) and section 4.2 of Planning Policy Wales (Edition 8, January 2016).
2. The proposal if allowed would represent residential development in an

unsustainable location contrary to the requirements of Policy AW2 of the Rhondda Cynon Taf Local Development Plan and Chapter 4 of Planning Policy Wales (Edition 8, January 2016).

3. The proposed development if allowed would represent an unwarranted urban extension into an area recognised and designated for its special landscape qualities contrary to the objectives of Local Development Plan Policy SSA23 and sections 5.3. and 5.5 of Planning Policy Wales (Edition 8, January 2016).
4. Insufficient information has been submitted by the applicant to enable the Local Planning Authority to properly evaluate the impact of the proposed development on the ecology and visual impact of the site.
5. The local highway network leading to the proposed development is substandard in terms of highway geometry, junction radii, vision splays, carriageway width, continuity and width of footways which is further exacerbated by on street parking to the detriment of safety of all highway users and free flow of traffic.
6. The developer would not have control over third party land to deliver highway improvements required to facilitate safe vehicular pedestrian and cyclist movements and therefore the deliverability of any necessary mitigation measures cannot be guaranteed.
7. Comprehensive assessment of safe routes for pedestrians and cyclists in accordance Safer Routes in Communities, Learner Travel and Active Travel (Wales) Act 2013 has not been carried out and mitigation measures provided to encourage sustainable modes of travel.
8. The indicative masterplan does not cater for Public Transport access and provide for satisfactory access, circulation and parking for safe pedestrian cycle and vehicular movements.

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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

21 JANUARY 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

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See Relevant Application File