

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2017-2018:**

**PLANNING & DEVELOPMENT  
COMMITTEE  
16 NOVEMBER 2017**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 5</b>
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

1. Application No. 15/1635 - Erection of two wind turbines with a tip maximum height of 125m, associated infrastructure, transformer cabin and access track, including access via the public highway and across Cribin Ddu Farm and Llwyncelyn Farm. (Additional Visualisations Received 7th August 2017), Llwyncelyn Farm, Hafod Lane, Porth.
2. Application No. 16/1226 - Retention of offices, associated car park, new vehicular access and boundary fencing. Construction of new gatehouse, Unit 16 Earthmovers House, Llantrisant Business Park, Llantrisant, Pontyclun.
3. Application No. 16/1251 - Construction of new Vehicle Repair and Maintenance Workshop, Fuelling Station and associated concrete slab areas, Unit 16 Earthmovers House, Llantrisant Business Park, Llantrisant, Pontyclun.
4. Application No. 17/0462 - 9 new residential dwellings with garage and associated works together with the replan of Plot 37 on the previously approved development Ref: 14/1283/10 (Ecological information received 04/09/17, amended layout and housing number plans received 09/10/17), land to the north of Nant Arian, Church Village.
5. Application No. 17/0614 - Installation of a modular self-service launderette facility within the demise of Texaco Petrol Station (retrospective), Clearway Texaco Petrol Station, Llantrisant Road, Llantwit Fardre, Pontypridd.
6. Application No. 17/0981 - Variation of Condition 3 of previously approved application 15/0777/10 to extend the time period for an additional 5 years to 30 years and Removal of Condition 19 for a scheme for the provision and content of a sign/board, Berthllwyd Farm, Maendy Road, Pen-Y-Coedcae, Pontypridd.
7. Application No. 17/1043 - Change of use from C3 to C4 HMO, 5

Kingsland Terrace, Treforest, Pontypridd.

8. Application No. 17/1071 - Variation of Condition 1 of application 16/1019/10 - to extend the temporary period (maximum 1 year as at 23rd October 2016) for an additional 24 months with effect from 23rd October 2017, Cardiff Road Surgery, 8 Cardiff Road, Mountain Ash.
9. Application No. 17/1092 - Change of use from C3 to C4 (3 bed house to 4 bed HMO), 87 Wood Road, Treforest, Pontypridd.

## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 15/1635/10 (SF)  
**APPLICANT:** Cenin Renewables Limited  
**DEVELOPMENT:** Erection of two wind turbines with a tip maximum height of 125m, associated infrastructure, transformer cabin and access track, including access via the public highway and across Cribin Ddu Farm and Llwyncelyn Farm. (Additional Visualisations Received 7th August 2017)

**LOCATION:** LLWYNCELYN FARM, HAFOD LANE, PORTH, CF39 9UE  
**DATE REGISTERED:** 19/10/2016  
**ELECTORAL DIVISION:** Ynyshir

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**RECOMMENDATION:** Approve

### REASONS FOR RECOMMENDATION:

The principle of the development is considered acceptable, being in policy terms, a small scale wind development that would contribute to the Welsh Government's commitment to optimising renewable energy generation.

It is considered that the proposed development can be reasonably accommodated within the landscape without significant harm to the existing landscape character of the area and visual amenity. Furthermore, no objections have been raised by statutory consultees in respect of the potential impacts upon the amenity of nearby residential properties, highway safety, or ecology.

Whilst a number of objections have been received from residents who are opposed to the scheme for a variety of different reasons, the application has been assessed in relation to its effect on all relevant matters including landscape, visual amenity and noise and it has been concluded that the proposed development with not causing significant harm to existing amenities.

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### REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Service Director Planning;

### APPLICATION DETAILS

Full planning permission is sought for two wind turbines and infrastructure on land at Llwyncelyn Farm, Hafod Lane, Porth. The application proposes two Vensys 2.5MW wind turbines at a blade tip height of 125m above ground level, comprising a maximum hub height of 75m and a maximum blade diameter of 100m. Details of the Vensys 2.5MW wind turbine have been submitted for the purposes of the application

however, an element of flexibility is requested to enable the most appropriate model to be chosen.

The associated infrastructure proposed includes the turbine foundations and crane hard standing areas covered in stone chippings (30m x 35m), two external transformer and switchgear cabins (4.3m x 10.5m x 3m), a temporary construction compound (45m x 60m) and 2,490m of access tracks to the turbines, with cables buried to facilitate the grid connection. Permission is sought for 25 years from the first generation of energy from the site, following which the turbines will be decommissioned, unless a new application is made.

The Planning Statement advises that the proposal is initiated out of Government Policy to develop the generation of renewable energies and acts to promote and deliver on local and national commitments for renewable energy targets and a reduction in reliance on fossil fuels. The estimated production for the proposed wind turbines is 9,547 MWh which is the equivalent of the electricity required for the annual usage of about 2,289 households.

The proposed site is located on open farmland which forms part of 810 acres occupied by Llwynceilyn Farm, which is located to the north-east of Porth town. This livestock farm supports 1000 ewes and cuts hay for animal feed during winter months. The current application comprises a significant element of the farm diversification plans and would enable the farm to be carbon neutral, saving ten times the carbon produced by the farming activities.

The application details confirm that the wind turbines would have a maximum combined capacity of 5MW and a grid connection can be provided by Western Power Distribution from a kiosk near to the primary school in Ynyshir. A buried cable would run up to the site to a connection point in the transformer cabin located at the base of the northerly turbine (T1). The planning statement identifies that the wind turbines would enable the supply of electricity to an average of 2,280 homes, or 38% of the homes in Porth, which it is suggested, is significant in both a local and national context.

The proposed access for the wind turbines to the site would utilise existing highways, specifically the M4 and A470 to Pontypridd and the A4058. From Pontypridd, where traffic would have to negotiate the town centre roundabout in the wrong direction, traffic would travel north via Graigwen Road and then via the unnamed road to the turbine site. A new access track 2490m in length and 5m in width and constructed in stone to a depth of 300mm, would enter the site from the public road to the east and then cross over an arable field to provide access for the construction activities. The access track does not cross any public footpaths, but will cross a public bridleway close to the wind turbines.

The construction programme is expected to take four months with the highest number of traffic movements being during the second month, when concrete is being delivered for the foundation base requiring 39 wagons or 78 trips over one day. Larger vehicles carrying the wind turbine components and possibly the crane would constitute abnormal loads and would require permits to minimise disruption on the highway. During the time when the turbines are operational, it is anticipated that there would be one maintenance visit to the turbines per month and track maintenance would take place during the summer months.

At the end of the 25 year operational life of the turbines, they would be decommissioned and removed, unless a further application was granted. It is confirmed that the base would be removed to a depth of approximately 60cm below ground level and the area reinstated with a layer of topsoil over the foundations. The transformer, switchgear and associated cabins would also be removed and the land reinstated.

In addition to the application forms and plans, the application is accompanied by the following information:

- Environmental Report & Appendices - August 2016
- Transport Statement - July 2015
- Planning Assessment - May 2016
- Design and Access Statement - August 2016
- Transport Management Plan - August 2017
- Supplementary Environmental Information - August 2017
- Additional Visualisations - August 2017

The Environmental Report and Appendices include chapters on a number of issues relevant to the assessment of the application including, Landscape and Visual Assessment (LVA), Ecology, Geology & Hydrology, Traffic & Transport, Noise Assessment, Shadow Flicker, Aviation & Electromagnetic Interference, Heritage Assessment and, Tourism, Recreation and Sustainability.

## **SITE APPRAISAL**

The application site covers a total area of 5.7ha and is located in the open countryside approximately 1.5km to the east of Porth outside the settlement boundary. It forms part of open farmland to the north of Llwyncelyn Farm and the turbines would be located within two adjacent fields on a wide ridgetop plateau. The land is generally semi-improved pasture used for sheep grazing and forms part of an extensive pattern of fields enclosed by slate stone walls and post and wire fences. The majority of the land in the immediate vicinity is used for sheep grazing, although St Gwynno Forest lies adjacent to the eastern boundary of the two fields. The site lies approximately 350m A.O.D which represents the highest part of the ridge and provides extensive panoramic views.

The closest settlements are those of Porth, Ynyshir, Wattstown and Pontygwaith, which are located between 700m – 1.3km to the west of the site. Apart from Llwyncelyn Farm, which is located 1174m to the south-west of the site, a small number of individual residential dwellings are located along the unnamed road to the east at 1118m - Llwynperdid Farm, 1335m - Llysnant Farm and to the south-east of the southern turbine at 1312m - Nyth-bran House and at 1360m - Pen y lan Farm.

Vehicular access to the site can be obtained via an existing farm track running from the unnamed road forming part of the public road network to the north-east of the site however, the proposal would require the construction of a new access track across the fields. A Public Rights of Way (PROW) YNR/15/1 and YCC/14/1 (bridleway) which runs from Buarth Capel in Ynysybwl in the north-east to Porth in the south crosses the site along the south-east boundary. A further PROW

YNR/14/1 (footpath) runs along the western boundary of the site and connects with YCC/42/1 to the north.

The site itself is unallocated but is designated as a sandstone safeguarding area. Land lying immediately to the north-east of the site and an area of land to the south-west, through which the cable route is proposed to pass, is designated as a Site of Importance for Nature Conservation (SINC). Land to the south and west and a separate parcel of land comprising the St Gwynno Forest to the east are both designated as Special Landscape Areas (SLAs). The site also lies within the Rhondda Registered Landscape of Historic interest published by Cadw.

Whilst not a strategic scale development, it is noted that the wind turbines lie approximately 2km 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 at Mynachdy Farm, 2.39km to the north east of the site.

## PLANNING HISTORY

There is no relevant planning history within the site boundary.

## PUBLICITY

The application has been advertised by means of site notices at a number of locations including Porth, Ynyshir, Wattstown, Pontygwaith, Stanleytown and Tylorstown. Following the submission of the additional visualisations received in August 2017, neighbour notification letters have been sent to all of those who had originally responded, in addition to a number of individual properties located along the unnamed road.

In response to the original site notice publicity exercise, **24 letters of objection** have been received which raise the following concerns:

- No financial or environmental benefit to the locality, whilst a few local groups may receive limited funding, external bodies and the landowner are the only ones to benefit;
- There are more than enough turbines to power the locality. Other areas in Wales are equally suitable for this type of development;
- The development will destroy the enjoyment that walkers and other people who use the outdoors currently enjoy;
- This will be an eyesore, especially for homes to the west of the village of Ynyshir. The impact assessment has made no mention of this, other than Pleasant Heights;
- The landscape would be 'blighted' by the construction of the structures and once erected, they could easily apply for more;
- The new access roads will be detrimental to the local environment;
- It is understood that the minimum from residential development for a 125m turbine is 2000m and the turbines appear to be only 500-600 metres away;
- Concerns about proposed access for the turbines and construction material to the site including, the poor state of the road from Graigwen to the site, which is unsuitable for long vehicles;

- Noise pollution during day and night. The Noise Assessment only contains noise predictions, with no account being taken of wind direction or the terrain between Llysnant Farm and the turbines;
- The impact on Trem Y Mynydd would be greater than Llysnant Farm as it is at a higher altitude, but is not mentioned and the level of noise would be higher;
- Predicted impact of shadow flicker is a desk based exercise;
- Proximity of turbines to residential areas and risk of flooding resulting from interference with natural water courses;
- Ynyshir was blighted in the past by coal mining and tipping of waste on the mountains and there must be an alternative that would not spoil views;
- Alteration of landscape and impact on local recreational parks;
- At 125m, the turbines will have a far reaching visual impact on the gateway to the Rhondda Fach;
- Contrary to AW5 of the LDP in terms of scale and impact on character of area;
- Viewpoints used in impact assessment are subjective and ignore adjacent view points;
- Safety concerns resulting from proximity to public footpaths, bridleways, homes and primary school;
- Lack of consultation with and backing from local community;
- Insufficient consideration on effects of turbines on local wildlife and protected species;
- May have negative effect on tourism;
- Turbines will be visible from existing residential properties;
- Impact on health resulting from noise and motion of blades;
- Dimensions and predicted output of turbines is questionable;

Other matters raised relating to non planning issues:

- Impact on existing views from residential properties;
- Depreciation of property values.

In response to the second public consultation exercise, **10 further letters of objection** have been received which raise the following additional concerns:

- The physical height of the turbines of 125 metres is 30 metres taller than Big Ben. The visual impact of turbines would tower over the village of Ynyshir, and the drive over the new bridge in Porth and would be visible from all over the west side of Ynyshir;
- Given the natural acoustics of the narrow valley of Ynyshir, sound would travel throughout the whole valley which would be a real problem at night. It is hoped the Council will ask for an independent sound survey to allay concerns;
- Diverting or disturbing of water courses behind Heath Terrace;
- Better still reject planning in favour of solar renewable, less obtrusive and quiet.
- The valley has transformed since the mine closures and has returned to its glory however, the turbines will spoil the panoramic views;
- The size and appearance of the turbines on the mountainside will affect the scenic appearance of the valley overlooking Ynyshir and Wattstown;

- The Council is the short term keeper of the valley and will not be thanked by the future generation for the destructive action if the installation of wind turbines is allowed to continue their advance through the valley;
- Porth and Ynyshir are the gates to the Fach. As people enter the Rhondda they shall perceive an industrial area and not one of domestic relaxation which exists alongside light industry.
- The visuals provided with the original application are poor and those is locations where the turbines will have greatest impact e.g. Wattstown, are prepared to show minimum impact.
- The noise assessment is poor and needs an independent assessment which takes into consideration Amplitude Modulation.

## **CONSULTATION**

Transportation Section – no highway objections are raised subject to conditions in respect of a Traffic Management Plan, the provision of permanent surfacing for 20m off the public highway, condition surveys of local roads before and after the development and an assessment of compensation for extraordinary use and a restriction of hours for deliveries for HGVs.

Public Health and Protection Division – no objections are raised to the proposed development subject to the imposition of conditions which include noise limits at nearby residential properties and requests the consideration of other issues including, hours of construction, dust suppression, the disposal of waste and lighting

Land Reclamation and Engineering - no objections are raised. It is noted that a SuDs system is proposed and recommends a condition in relation to the treatment of flood risk management.

NRW - no objections are raised however, in response to the supplementary environmental information submitted and further information in relation to the timings of the noctule bat passes, a condition is required which secures that the operation of the northern most turbine (T1) is curtailed during the month of May. It is noted that whilst there is no potential bat roost within the application site, there is a plantation adjacent to the site. Although this may not be considered ideal habitat for bats, given the concentration of the bat passes around sunset and sunrise, the presence of a bat roost near to the site cannot be ruled out.

Countryside Section – no objections are raised subject to conditions to require the submission of a Species and Habitat Protection Plan for Construction to include an agreed scheme of nightjar activity monitoring, the submission of details of a habitat and ground restoration scheme and also, to secure the NRW requirement that turbine T1 is closed down each May. Following the submission of the further information from the applicant referred to above, it is noted that the system proposed would not result in the operation of the turbine being curtailed during May as NRW has requested and it is therefore confirmed that further re-consultation with NRW is required.

Public Rights of Way Officer - has referred to the advice contained in Technical Advice Note 8: Planning for Renewable Energy, which advises that the height of the blade tip from the edge of the public right of way is considered an advisable separation distance from the public highway. It is advised however that as horses are easily frightened by wind turbines, the British Horse Society stipulate a minimum



separation distance of 200m or three times blade tip height (whichever is greater), but this minimum separation distance may not be appropriate in all situations. Following the submission of further information from the applicant, no objection is raised as no blades will oversail the footpath and the bridleway can be formally diverted.

Glamorgan Gwent Archaeological Trust Ltd (GGAT) – no objections are raised but has confirmed that archaeological significant features have been encountered in the locality and a condition is therefore suggested to require a scheme of investigation for a programme of archaeological work.

Cadw - no objections are raised. It is confirmed that the updated desk-based assessment prepared by Archaeology Wales has been taken into account, which confirms that the proposed turbines will cause slight damage to the setting of scheduled monument Carn-y-Wiwer Cairnfield & Platform Houses (GM323) and no damage to scheduled monuments Carn-y-Pigwn Round Cairn (GM372) and Ring Cairn 350m west of Penrhiw Caradoc, Llanwonno (GM373).

Cardiff Airport - initially raised an objection due to the impact on the current air traffic control air traffic control at the airport, but has subsequently raised no objection, when it was clarified that it was already aware of this proposal.

Defence Infrastructure Organisation - no objections are raised by the MOD.

Vodafone – no objections are raised, although it is confirmed that there are radio links in the vicinity of the wind farm.

Bridgend CBC - no response received.

OFCOM - no response received.

British Telecom - no response received.

Orange - no response received.

Cable & Wireless - no response received.

T-Mobile - no response received.

O2 - no response received.

Joint Radio Company - no response received.

Merthyr Tydfil CBC- no response received.

Ynysybwl and Coed y Cwm Community Council - no response received.

## **POLICY CONTEXT**

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

The application site is identified as being within the Northern Strategy Areas but is outside the settlement boundary NSA12 and is unallocated. The south-east section

of the proposed access track is located within the Southern Strategy area. The site is also located within the Rhondda Historic Landscape and in an area designated as a sandstone safeguarding area. The proposed cable route passes across land designated as a Site of Importance for Nature Conservation (SINC). Land to the south and west and the St Gwynno Forest to the east, are designated as Special Landscape Areas (SLAs).

**Policy CS1** – advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities including protecting the natural environment and promoting commercial development in locations which reinforce the roles of Key Settlements, including Porth.

**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 AW2** - supports development proposals on non-allocated sites in sustainable locations which would not unacceptably conflict with surrounding uses, have good accessibility to a range of sustainable transport options, have good access to key services and facilities and support the role and function of key services.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

**Policy AW6** - requires development to involve a high quality design and to reinforce attractive qualities, including that they include an efficient use of land.

**Policy AW8** - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and that proposals demonstrate measures for the mitigation and compensation of potential impacts.

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

**Policy AW10** - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, contamination, water pollution and flooding.

**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 1.5MW) and community based schemes of no more than 5MW capacity are treated as small wind turbine development and the proposal therefore falls within this definition, having a maximum output of 5MW.

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

SPG - Nature Conservation

SPG - Design and Placemaking

SPG - Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

## **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 9 November 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 5: Nature Conservation and Planning;  
PPW Technical Advice Note 8: Planning for Renewable Energy  
PPW Technical Advice Note 11: Noise  
PPW Technical Advice Note 18: Transport.

Welsh Government Practice Guidance - 'Planning Implications of Renewable and Low Carbon Energy' - Feb 2011

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

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

The application involves two wind 2.5MW turbines, providing a maximum installed capacity of 5MW and is therefore classed as a small scale turbine in policy terms, being a 'sub local authority' scale of development, at between 50kW and 5MW within PPW. This scale of development is not required, within PPW, nor TAN 8 to be sited within the boundary of SSA F. Para 12.9.9 of PPW advises that 'At the sub-local authority scale renewable energy projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated.' Paragraph 12.10 of PPW sets out the key matters to be taken into account in determining applications for renewable and low carbon energy development.

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

It is acknowledged that the site lies outside of SSA F on a greenfield site and TAN8 makes no provision for large turbines outside the strategic search areas on such sites which are not community based projects. Whilst the wider landscape setting is rural and there are no other operational turbine developments in the immediate locality, there are other turbines located within the Landscape and Visual Assessment study area, the nearest being located at Mynachdy Farm, 2.39km to the north east of the site. As such, whilst the site itself forms part of Llwynceilyn Farm and is greenfield in nature, there are other existing wind turbine developments in the area and as such, it is considered that the principle of this form of development has already been established.

It is concluded that this is a smaller wind power development and there is national and local planning policy support for the principle of this proposal, subject to the assessment of a number of criteria, which includes, the contribution a proposal will play in meeting identified targets and potential for renewable energy, the impact on the landscape, natural heritage and the historic environment, the need to minimise impacts on local communities and effects on the transportation network.

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

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

In order to inform the consideration of this aspect of the scheme, the application is accompanied by a Landscape and Visual Assessment (LVA) for the proposed turbines. The assessment describes and evaluates the change to the landscape and visual amenity, and the extent to which these affect perception and views of the landscape, which would result from the proposed development.

The potential effects of likely landscape receptors and visual receptors are assessed within a study area of 10 km radius and for the assessment of cumulative effects with other wind turbine developments, a 10 km study area has also been used. A study area of 5km is used for the appraisal of the effects on landscape features and landscape character, however, the visual appraisal covers a radius of 10 km from the development and focuses on key representative viewpoints initially identified from the Zone of Theoretical Visibility (ZTV) and verified by site visits. These are illustrated with wire line drawings and photomontages.

The LVA identifies the methodology, including defining the extent of the study area and the detailed technical approach, which includes reference to various guidelines and a review of landscape designations from LANDMAP, which describes and evaluates aspects of the landscape and provides the basis of a consistent Wales-wide approach to landscape assessment. It also describes the existing landscape character of the site, as well as identifying landscape, nature conservation and cultural heritage designations at a national, regional and local level.

The LVA also identifies visual amenity receptors and their views. Views from settlements, individual residential properties and farms, country parks, recreational routes, national cycle routes, local public rights of way, bridleways and cycleways, open access areas, major and minor roads, including motorways and railway lines are assessed. The assessment then describes the magnitude of impact and the significance of effect on the existing landscape character and visual amenity receptors and their views as a result of the proposed development.

The LVA details the viewpoints which were identified to be representative of the range and type of views within the study area and various types of visual receptor. The Zone of Theoretical Visibility (ZTV) has been used to identify viewpoints from where the potential effects of the proposed development may be considered and these were narrowed down to ten which represent residential visual receptor views, recreational routed and commuter visual receptor views.

Having reviewed the LVIA it is considered that the report is acceptable in taking into account all of the various issues associated with landscape and visual assessments.

A summary of the conclusions of each of the sections of the LVIA are set out as follows:

### **Landscape Character Assessment**

It is accepted that the proposed turbine will introduce a new type of development into the local landscape although receptors will be familiar with this kind of development in the general area. The development has a very small footprint and the other elements which are component parts of the landscape (landform, pasture fields, field boundary hedges, tree cover etc) remain unchanged. It is therefore maintained that the landscape effects are very limited and it is the visual effects which have the potential to alter landscape character.

The retention of the existing physical characteristics and management regime (grazing) of the site mean that the landscape will be perceived as it is now except for the addition of the turbines. At the actual site this changes significantly with the introduction of tall vertical features but the proposed development's relationship with its wider landscape setting will determine the capacity of the landscape to assimilate the development without significant harm to landscape character or not.

The assessment acknowledges that the landscape of the South Wales coalfield and particularly the Rhondda Valleys has been heavily modified by activities connected to mining activity which was at its peak between 1840 -1925 with the last of the pits, Lewis Merthyr just 1.7 km from the site, finally closing in the 1983. It is also maintained that the industrial heritage and history of modification related to the production of energy is likely to be reflected in receptors perception of landscape and landscape change, which affects the landscape character.

Whilst the magnitude of change on landscape character at the site is assessed as High, the assessment concludes that as the development has a finite lifespan and is removable with minimal reinstatement required, there is therefore no permanent change to the landscape of the site or its landscape character.

### Landscape, Nature Conservation and Cultural Heritage Effects

The assessment identifies that there are no statutory designations including National Parks or Areas of Outstanding Natural Beauty that affect the site or are within the ZTVs.

Of the 6 Conservation Areas within the 5km radius study area, 4 are screened by landform from the site and the remaining 2 - Troedrhwiw-Trwyn just west of Pontypridd and St Gwynno Forest, have no significant views of the site due to intervening landform, development and trees. Whilst there are two Scheduled Ancient Monuments (SAM's) within the 5km study area (Carn-y-Wiwer Cairnfield and Platform Houses 1.13 km NW from the site and the ventilation furnace SAM at Trehafod), it is considered that the heritage value of the site is focussed on the immediate locality and therefore the effect of the development on the SAM is judged to be negligible.

In relation to the 26 Listed Buildings in the study area, whilst the effects have all been assessed, their architectural and / or historic value is not generally compromised by views of the proposed development adversely affecting their setting and overall, the effects on listed buildings therefore range from negligible to none.

With regard to nature conservation designations, there are no Special Areas of Conservation (SACs), only 3 Sites of Special Scientific Interest and 2 Local Nature Reserves within the study area, however any habitats and species would be unaffected by the development. It has also been concluded that the conservation value of Ancient Woodland sites within the study area is connected to their history and heritage and its nature conservation value as much as its contribution to the visual landscape and the effects are therefore negligible.

### Historic Landscape Effects

The assessment identifies that the characteristics and assets described in Historic Landscape Character Area 030 Rhondda Uplands are widely distributed and are generally buried remains, however the footprint of the application site appears to contain no evidence of buried remains. Furthermore, interest in the historic elements of the landscape are generally related to the record of human activity they provide and the sensitivity of their visual setting is not generally significant. Any effects on the setting of known or unknown remains or of evidence of past cultural elements of the landscape is also not permanent and the effect on the historic landscape is therefore judged to be negligible.

### Recreation Routes and Sites Effects

It is reported that there are 14 Public Rights of Way within 2km of the site and a further of public rights of way / recreational routes beyond this. The effects on these vary between none, for example those outside the ZTV, or with high hedges or other screening features, to a high magnitude of change for those close to the site. Users

of those paths (Footpath 1 and Bridleway A) on the ridge plateau adjacent to the site will be moderately affected by the development where the turbines will be prominent, but elsewhere distance from the site mitigates these effects to slight to none. The Taff Trail long distance walking route follows the course of the River Taff in the adjacent valley however the intervening ridge ensures that there are no significant views of the development.

The 3 National Cycle Network routes within the study area also generally follow the river valleys however from all routes there are very few, and only glimpsed views of the development. The range of visual effects is therefore between slight to negligible to none for the majority of the routes.

### Landscape Character Area Effects

Although the site sits within Landscape Character Area 37 - South Wales Valleys in the Landscape Character Map for Wales, the report identifies that Landscape Character Areas at this regional scale will not be affected by the proposed development as the densely settled valleys combined with existing infrastructure located on the high plateaux, mean that the proposed development is consistent with existing landscape character.

### **Conclusions of Landscape Character Assessment**

The overall conclusions reached in assessing the Landscape Character effects is that the overall magnitude of change on landscape character would be high at the site, medium-low in the immediate vicinity of the site, and negligible within the rest of the study area. The effect of the development outside the study area and the magnitude of change on the Landscape Character Area 37 would be negligible-none and the overall degree of significance on landscape character would negligible.

### **Visual Amenity Assessment**

This section of the LVA addresses issues relating to potential degree of significance upon the visual amenity of the study area likely to result from the proposals. It describes and evaluates the potential change in views of the existing landscape during construction and once in operation, and the extent to which these affect residents, visitors and users of the landscape.

The assessment identifies that the key elements of the proposed development which may give rise to visual effects include the temporary infrastructure during the construction period as well as the wind turbines, control cabin and access tracks, however acknowledges that the effect on visual amenity during construction would be for a temporary duration and in the longer term, reversible. The localised nature of the effects will result in negligible effects on visual amenity overall during the construction phase of the project.

### Assessment of Effects

It is advised that the representative viewpoints were identified within the 10km overall study area and 8 key viewpoints were selected as being representative of different visual receptors. It is suggested that visual effects of the turbines are rapidly mitigated by distance from the site which brings the screening influences of

landform, tree cover and other development into view and diminishes the visual presence of the development.

Whilst the closest settlements to the application site are Wattstown and Ynyshir approximately 0.7km to the west and Porth approximately 1km to the south-west, due to the proposed locations of the turbines, the main visual effects would be from residential areas on the western side of the valley.

The closest viewpoint to the site is represented by Viewpoint 5 Pleasant Heights, Porth at a distance of 1.52 km SW of nearest turbine. This viewpoint looks NE across the valley from an elevated residential location and represents residential receptors and recreational receptors using the public right of way and open access land west of the viewpoint. The assessment identifies that the proximity to the site and relative elevation of the viewpoint result in the turbines being prominent in the view across the valley where intervening development is lower down the valley sides and a less obvious part of the view. The principal windows of houses on Pleasant Heights will generally have a view of the development, however the magnitude of change in the view is judged to be medium, the sensitivity of receptors high and the degree of significance is assessed to be moderate.

The second nearest view point (Viewpoint 3) is Victoria Street, Wattstown at a distance of 1.74 km NW of nearest turbine. This represents a relatively close view of the development from a residential street looking south-east down Rhondda Fach. The assessment advises that the density of development in the valley and scarcity of development on the ridgetop plateau identifies the ridgetops as a separate landscape character type to the valley sides and valley bottoms and to an extent this mitigates the effects of the development because receptors are looking at the area rather than sensing being within that character type. Other tall vertical features (masts) are visible and the magnitude of change in the view is therefore also judged to be medium, the sensitivity of receptors medium and the degree of significance is assessed to be moderate/slight.

Viewpoint 2 which is taken from Heol Mair, Penrhys at a distance of 3.80 km NW of nearest turbine is a view from open space within an outlying and elevated housing estate and represents residential receptors. The assessment identifies that views of the development from much of the estate are blocked by housing and are therefore intermittent. From this viewpoint in open space, the skyline has a horizontal emphasis and the proposed turbines are readily apparent on the ridge-top and distance mitigates the visual effects of the development in this large scale landscape. The magnitude of change in the view is therefore judged to be medium, the sensitivity of receptors medium and the degree of significance is assessed to be moderate / slight.

In two of the viewpoints provided, the magnitude of change is judged as low and the degree of significance is therefore assessed as being slight. These include Viewpoint 6, taken from Rhiwgarn, Trebanog at a distance of 3.13 km SW of nearest turbine which looks north-east across Porth to the site from an elevated residential location. This represents residential receptors and recreational receptors using the public rights of way and open access land on higher ground south and east of the viewpoint. The assessment identifies that the development is clearly apparent on the grazed plateau viewed across the valley over Porth, however distance reduces the scale of the turbines in this large scale landscape to some extent but the elevation of the viewpoint connects it to the upland site. The other viewpoint with a similar impact



is Viewpoint 4, taken at the junction of Thomas Street and Gilfach Road, Penygraig at a distance of 4.28 km west of nearest turbine. This is a view east from a valley side residential street and represents residential and local commuter receptors. The assessment identifies that although the turbines are clearly visible on the skyline they are seen in the context of other vertical infrastructure on the ridgeline and also in the foreground where buildings and pole mounted low voltage overhead lines are visually dominant and distance from the site is also a mitigating factor.

The remaining viewpoints identify that the magnitude of change is judged to be low and the degree of significance negligible. The closest of these is Viewpoint 10, taken from a local access road near Pen-y-Wal Farm Pontypridd at a distance of 2.39 km east of the nearest turbine. This shows a view looking west from a rural road on the ridge containing the site and represents local commuter receptors. The assessment states that this is a narrow, single track road with high hedges and hedgerow trees either side and indicates that where a view can be found, it is likely to be temporary until the hedge increases in height. Furthermore, the single track road demands the concentration of drivers and other users of the lane reducing the sensitivity of receptors and whilst the development introduces a new feature into the view, it is in scale with the landscape.

These also include Viewpoint 1, taken from Brown Street, Ferndale at a distance of 4.94 km NW of nearest turbine which represents the view to the site from Ferndale and other settlements within the ZTV south down the Rhondda Fach. The viewpoint is taken within an urban location with housing development in the foreground, middle distance and in the distance higher up the valley sides. The assessment identifies that the enclosing landform of the valley sides contains the view with the proposed turbines partially visible above the skyline however, the distance from the viewpoint reduces the visual effects of the development.

Viewpoint 8 is taken from the access road to Pontypridd Golf Club at a distance of 5.28 km south-east of nearest turbine and represents local commuter and recreational receptors. The assessment identifies that the lower altitude of the viewpoint shows the greater influence of the development in the valley floor and on the valley sides in the view than VP7 from a higher altitude. At a similar distance of 5.39 km from the nearest turbine, Viewpoint 9 Brynderwen Road, Cilfynydd provides a view west of the site from Cilfynydd representing residential receptors. The assessment indicates that the viewpoint is in a busy suburban street where buildings and overhead low voltage lines dominate the foreground and distance and other development mitigate the visual effects of the proposal.

The final viewpoint is Viewpoint 7 is taken from Eglwysilan Road, Caerphilly at a distance of 6.52 km east of nearest turbine and is a more distant view west from a rural hill road at a similar altitude to the site, representing local commuter receptors and recreational receptors on the public right of way and open access land. The assessment indicates that this relatively distant viewpoint gives wide, long distance panoramic views where the emphasis of the view is more the open, undeveloped nature of the upland rather than being focussed on the development on the valley floors and sides. Furthermore, the proposed development is seen in the context of other wind farm developments in the view, but without them being a defining characteristic of the landscape. Again, distance and the relatively small scale of the development at just two turbines reduce the scale of the proposal relative to the large scale landscape and both the magnitude of change in the view and the degree of significance has been assessed as negligible.

## **Conclusions of Visual Amenity Assessment**

It is therefore concluded that the proposed wind turbines would introduce tall vertical elements into the landscape which would be regarded as a single feature from all but the closest viewpoints. From viewpoints close to the site, the turbines will be a prominent feature, but the scale of the development rapidly diminishes with distance to become assimilated into the large scale of the landscape. It has been identified that visual receptors close to the site are few other than occasional walkers/riders on the footpaths / bridleways adjacent and farm and forestry workers in the locality, which it is concluded, reduces the degree of significance overall. Furthermore, there are no recognised key sensitive views which might be adversely affected by the development. The highest value for the degree of significance from the viewpoints is moderate at Viewpoint 5 from Pleasant Heights, a residential street above Porth directly across the valley from the site. This viewpoint and the range of values for the degree of significance is assessed between moderate to negligible and the overall assessment on the visual amenity across the range of viewpoints is judged as slight - negligible.

## **Cumulative Landscape and Visual Assessment**

The LVA also provides an assessment of the cumulative effects of the proposed wind turbines with existing wind turbines within the study area.

In relation to landscape character, it is judged that the introduction of large scale vertical elements to the site will have a high magnitude of change at the site, however this diminishes in scale with distance. It is also judged that the separation distance between the proposed development and other existing and proposed developments within the study area is sufficient that the current landscape character of 'a landscape with windfarms' is not changed to a 'windfarm landscape'. Therefore, the cumulative magnitude of change affecting landscape character is judged to be negligible.

In relation to visual amenity, it is judged that the dramatic landform of this landscape character type with steep sided, narrow valleys and extensive undulating plateaux create two distinct groups of viewpoint types. The first of these is those views looking along or up from the valleys to the valley sides and ridgetops and the second is the extensive panoramic views from the ridgetops. For the majority of visual receptors concentrated in the valley bottoms, the landform channels views and prevents wide panoramic views where cumulative effects of developments on ridges other than those containing the valley can be seen. From the ridgetops, the cumulative effects of other turbine sites and infrastructure is more apparent, but to far fewer receptors and at greater distances in a very large scale landscape and the cumulative magnitude of change affecting visual amenity is again judged to be negligible.

In respect of the cumulative effects from viewpoints, it is advised that only viewpoints in elevated locations have any capacity for significant cumulative effects. These include Viewpoint 7 (Eglwysilan Road, Caerphilly) where the panoramic view results in cumulative effects from a number of existing and proposed developments. The assessment identifies that the Bryntail Farm development (2 no. at 71m) would be in the immediate foreground at the viewpoint, Ferndale (8 no at 74 m), Fforch Nest / Pant y Wal (21 no. at 115 m) and Mynydd Pen-y-Graig (5 no. at 115m) would all be in the same view. However, the wide spread of these locations in the view and

significantly the distance from the viewpoint for the two larger windfarms at Ferndale and Fforch Nest/Pant-y-Wal reduces cumulative effects and the magnitude of change and the degree of significance is therefore judged to be negligible.

The other viewpoint is Viewpoint 8, however being closer to the site the angle of view reduces the number of locations visible with Ferndale being in the middle and far distance respectively. The magnitude of change in the view is therefore judged to be low and the degree of significance is assessed to be negligible.

The assessment identifies that whilst sequential visibility of wind turbine installations may be experienced whilst moving through the landscape for example on roads, cycling and walking routes, the high incidence of intervening landform and their wide spread in the upland plateaux landscape means that this is judged as negligible with the addition of these two wind turbines.

### **Conclusion of Cumulative Effects**

The LVA therefore concludes that the cumulative effects on landscape character would be low-negligible and the cumulative effects on visual amenity and sequential visibility would both be negligible.

### **Other Issues taken into account in assessing landscape character and visual amenity.**

#### **Effect on the Historic Landscape**

The application site is located within the Rhondda Registered Landscape of Historic Interest published by Cadw. Guidance produced by Cadw identifies the need to assess the potential effects of a development in relation to the whole of the historic landscape and advises that development can have an adverse effect on the amenity and value of the landscape well beyond the site of the development itself.

The register refers to the pre-industrial archaeology of the Rhondda and its historic sites and remains surviving on the ridges between the valleys and also describes how material changes in the landscape took place during the second half of the 19<sup>th</sup> century in order to accommodate new industries and their associated communities.

The site's designation within the historic landscape is addressed in the application through the LVA, where it is suggested that the characteristics and assets are widely distributed and generally consist of buried remains. As the site appears to contain no buried remains, it is maintained that the temporary nature of the development means that the effect on the historic landscape are negligible.

In addition to the issue of any remaining historic features, which is addressed in the section on Cultural Heritage below, it is also acknowledged that the physical impact of the 2 turbines may have some impact on the historic landscape and this is also an issue that has been raised in a number of the public representations received. Whilst the concerns raised in respect of the valley being transformed since the mine enclosures are understood and it is accepted that the turbines would form a new visible feature, it is not considered that the two turbines will be so prominent to cause detriment to the historic landscape that has been identified by Cadw. Furthermore, the guidance identifies that landscapes must inevitably evolve to meet the needs of the people living in them and whilst the mining and industrial landscape has

significantly changed in the Rhondda, the valley is still however considered to epitomize a South Wales mining community. As the applicant has identified, the footprint of the proposed development is not significant and the scheme is only for a temporary period. It would also appear from the visual information submitted that from many of the surrounding locations, only partial view of the turbines can be seen and it is not therefore considered that this will have an adverse impact on the historic landscape.

### **Effect on the Visual Amenity of Residents**

The impact of this development on the visual amenity of the area and in particular, the impact on existing views that residents have from their properties has been the subject of many of the objections that have been received against the development. In considering the information submitted relating to visual amenity issues, consideration has been given to specific points raised by residents, including views across the valley, particularly from parts of Porth and Ynyshir. In response to the objections received, the applicant has provided additional visual information taken from a number of locations including Victory Avenue (Mount Pleasant), Bryngwyn Street, Pleasant Heights, Upper Gynor Place, Gynor Place and Ynyshir Road. These images indicate that whilst the two turbines will be visible from all of these locations, in most cases, only the upper sections of the turbines will be visible. Whilst it is therefore accepted that both turbines will form a new visible feature, most of these locations are over 1km distance from the turbines and it is not therefore considered that these structures will have a detrimental impact on their visual amenities.

In summary, it is acknowledged that the proposed wind turbines would add additional vertical elements to the existing landscape, which is already influenced by other vertical elements including wind turbines and pylons. The proposed wind turbines would not affect the majority of the landscape character areas, landscape relevant designations or visual amenity receptors. The effect of the turbines on the landscape character is identified as high at the site, as would be expected and this reduces to medium-low in the immediate vicinity and negligible elsewhere. Their effect on visual amenity receptors would at worst, have moderate effects and in the majority of cases, have been assessed as slight-negligible.

Overall, any potential adverse effects need to be balanced against the benefits of clean energy, and in this case, on balance, it is considered that the benefits outweigh the effects and the proposal complies with the provisions of Policies AW6 and AW12 of the LDP and Para 12.10.1 of Planning Policy Wales.

### **OTHER ISSUES**

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

#### **Noise**

The impacts on nearby residential properties also need to be considered and the Environmental Report contains a Noise Assessment, the aim of which is to predict the effects of noise from the turbines at the nearest receptors and to assess the potential noise impact of the proposed turbines.

The report confirms that an assessment has been carried out according to the recommendations of ETSU-R-97, 'The Assessment and Rating of Noise from Wind Farms' and 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise, Institute of Acoustics (IOA) (May 2013)'. It is also confirmed that construction noise during the site preparation was assessed by the method in BS5228-1.

The report details that ETSU-R-97 specifies noise for sensitive locations during set day-time and night-time periods and provides guidance for single wind turbine sites whereby a simplified noise assessment is suitable and noise measurements would not be required. This stipulates that 'If the noise is limited to an LA90,10min of 35 dB(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary.' The report goes on to advise that the assessment of the noise emissions from this development has been undertaken and has been shown to comply with these simplified noise assessment guidance, meaning that no background noise measurements are required.

The assessment identifies a number of noise sensitive locations surrounding the application site which include the closest residential areas (Middle of Heath Terrace, Ynyshir at 738m and land north of Llanwonno Road at 844m) as well as individual properties (Llwynperdid Farm at 1118m, Nyth-bran House at 1312m and Llysnant Farm at 1335m). It is assumed that if noise at these identified locations complies with the recognised guidance, then noise sensitive locations further away will also be protected. For each of these locations a suggested noise limit of either 35 dB(A) or 45 dB(A) (for locations with a financial interest) and also predicted noise levels are provided.

The results provided indicate that in relation to construction noise, as it is not proposed to undertake construction activities outside the normal working week, the maximum predicted levels at any of the noise sensitive locations at 46 dB LAeq, 1 hour, is lower than the 65 dB LAeq, 1 hour significance level given in BS5228-1. If activity were to be considered outside these hours then it is advised the appropriate criteria would be 55 dB LAeq,1 hour (evenings and weekends) and 45 dB LAeq, 1 hour (Night time).

In relation to operational noise at nearby dwellings based on the Vensys VE100 2.5 MW turbine, the predicted noise levels have been shown to be within the limits set out in ETSU-R-97 and there is not therefore likely to be a loss of amenity at these locations.

The assessment also acknowledges that there are other wind turbines and wind farms in the area which may be controlled by noise conditions and therefore identifies that additional development should not increase the noise level at these locations. In relation to this issue, guidance from the Institute of Acoustics (IOA) advises that 'If the proposed wind farm produces noise levels within 10 dB of any existing wind farm/s at the same receptor location, then a cumulative noise impact assessment is necessary.' It is advised however that the closest wind turbines, 2.4 km away to the north, are those at Mynachdy. As the closest noise sensitive location to these proposed wind turbines that is considered in connection with the development discussed in this document is Llwynperdid Farm and noise from the proposed Mynachdy turbines (23.7 dB(A) is more than 10 dB below the limit, the combined noise of both developments would be less than 35 dB(A). It has therefore

been concluded that in accordance with the IOA guidance, no cumulative noise assessment is required.

The findings of this report have been reviewed and accepted by the Council's Public Health & Protection Section, which has raised no objection to the application. It is noted however, that it does recommend a condition that would limit the noise of the turbines at residential properties which would thereby ensure compliance with Policy AW10 of the LDP.

### **Shadow Flicker**

Shadow flicker occurs when a particular combination of conditions coincide in specific locations at particular times of the day and year. It happens when the sun is low in the sky and shines on the window(s) of a building from behind a wind turbine rotor. If the turbine is rotating, this can cause the shadow to appear to flick on and off as the turbine rotates. When the moving shadow is experienced in this way through a window, it is known as shadow flicker. The flickering caused by shadow flicker may have a negative effect on the amenity of affected residents.

The potential for shadow flicker has also been included as part of the Environmental Report. Reference is made to planning guidance which advises that shadow flicker effects have been proven to occur only within 10 rotor diameters of a turbine. As the turbines selected have rotor diameters of 100m, applicable separation distance is 1000m. The report identifies the nearest residential properties which could possibly be affected and also by using an industry standard analysis package, provides a worst case prediction of the times of the year and days when shadow flicker could occur.

Properties within the 1000m radius include Heath Terrace, Ynyshir which could experience a maximum of 18.6 hours of flicker over the course of the year. These effects could theoretically only occur from 07.00 to 08.00 for a maximum of 28 minutes during June and July. In Standard View, a maximum of 31 hours per year could be experienced however this could again only occur for the same times of the year and day as Heath Terrace. In Weston Terrace, the predicated hours per year is slightly higher at 31.1 and this could occur between April and September from 07.00 to 08.30 for up to 24 minutes per day.

It is emphasised in the report however that these predictions constitute the are worst case and assume that the sun is never obscured by clouds and it is therefore considered that in reality, the number of days when shadow flicker occurs and the duration of the occasions will be reduced significantly. The properties with the highest predicted realistic number of hours per year are in part of Weston Terrace and part of Standard View, Ynyshir with a worst case prediction of 31 hours of shadow flicker per year, however when weather is taken into account, it is predicted that this will cause little loss of amenity to the properties identified.

The report further predicts no adverse effects on sufferers of photo-sensitive epilepsy, as the blade pass frequencies are in the range 0.45 to 0.96 Hz, which according to the guidance, does not correspond with that which affects sufferers.

Overall, whilst it is identified that there a possibility of shadow flicker at a small number of residential and commercial properties in specific areas of Ynyshir, this would only be for relatively short periods of time and for limited times of the year. In

practice, the magnitude of shadow flicker effect will be less than that theoretically calculated, due to a number of factors, including cloud cover, times when turbines are not turning, and orientation of the hubs and rotors. Furthermore, it is indicated that should shadow flicker be found to be an issue at surrounding locations, a condition could be used whereby the wind turbine could be switched off during such events. No objections have been raised by the Council's Public Health & Protection Section and it is therefore considered that the development complies with the LDP in relation to impact on existing residential amenity (Policy AW5).

## **Highway Safety**

Information contained in the Environmental Report indicates that the wind turbines would be delivered starting from the M4 Junction 32, heading north along the A470 towards Pontypridd. The route would then turn left onto the A4058 towards the town centre. On approaching the one way system in the centre of Pontypridd, this would need to be taken in the wrong direction and it is noted that Police assistance would be needed from here to the site. The one-way system would need to be negotiated to an exit onto Rhondda Road and then the route would travel the wrong way up the one-way street Graigwen Road. It is noted that some modifications will be required to enable oversized lorries to negotiate this junction and that parking would need to be suspended along Graigwen Road to allow sufficient width. At the top of the hill, the right hand fence and gate post would be removed to allow the oversized loads to negotiate this curve and the cattle grid modified. From here, the route would then travel along this unnamed road approximately 1.2 miles to the site entrance. The road remains narrow and winding, ranging from a minimum width of 4m to a maximum of 5.5m and plating would need to be put down on the left hand side of the road to allow the oversized loads past.

As detailed earlier, a new access track approximately 2490m in length will need to be constructed across existing farm land and this will be used to deliver the road materials and the turbine components and installation crane. The highest number of traffic movements will be during month 2 when 78 trips over one day are anticipated however, during the operation of the turbines, only one maintenance visit per month is expected. For the installation of the proposed turbine, there will be a total number of 36 vehicular movements for the main components and a larger number of normal construction vehicle movements, however these would be spread over the four month construction period.

In order to determine the access and highway safety implications of the proposed scheme, consultation has been undertaken with the Council's Transportation Section. The initial response received raised no objections however, the response identified a lack of information submitted in relation to swept path analysis for the largest and widest loads and in light of the proposed delivery route, further information was requested, resulting in the submission of a Transport Management Plan. This provides more information regarding Abnormal indivisible Loads (AILs), traffic management and the highway works that will be required. It is also advised that trial runs will be taken between the A470 and the site to confirm the adequacy of the proposed route in consultation with representatives of this Authority and the Police.

Having reviewed this additional information, the Transportation Section has not raised any additional issues and it is therefore considered that the access arrangements are acceptable in principle. As such, no objections are raised subject

to the imposition of a condition which would require the submission of a comprehensive Traffic Management Plan prior to any development on site, to ensure that the route of abnormal loads, and any mitigation measures, would satisfactorily address highway safety, the free flow of traffic and protection of street furniture and services. Additional conditions in relation to the surfacing of the new access, the requirement for a condition survey of local roads and to control HGV deliveries are also recommended to ensure the development is carried out without causing detriment to the highway network or other highway users are required in order to ensure that the development is acceptable in terms of highway safety and compliance with Policy AW5 of the LDP is achieved.

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

The Environmental Report identifies that a Phase 1 Habitat Survey of the access track and turbine fields and desk study was undertaken by BSG Ecology in 2015. In order to aid in the assessment of this aspect of the scheme, consultation has been undertaken with the Council's Ecologist and Natural Resources Wales and as a result of the initial comments received, further supplementary environmental information including bat and bird survey work and an interpretation of their use of the site has been submitted.

The assessment concludes that there are no internationally or nationally designated sites for nature conservation within 2km of the turbines that would be affected. In terms of habitat, the site is described as agriculturally improved and species-poor semi-improved grassland. The report identifies that the impacts arising out of the access road and turbines will include the permanent loss of agriculturally improved habitats and the installation of the grid connection will result in the temporary disturbance of a small area of dry heath and involves crossing a wet ditch. Consideration will therefore be given to avoid impacts on reptiles and to prevent silt egress into watercourses by way of construction phase mitigation.

In relation to the impact on bats, the Ecology section of the Environmental Report confirms that the nearest field boundary feature to either turbine was a wall 120 m away and it was therefore concluded that there were no features with potential to support bats within, or close to the site. As part of the supplementary information submitted, details of the initial bat survey work carried out in September 2015 and the subsequent surveys in May and August 2017 are included which confirm that a number of different bat species were identified during the survey period including common and soprano pipistrelle bats, greater and lesser horseshoe bats and noctule, long eared and myotis species bats. The accompanying report notes that bat activity levels are low at the turbine locations (compared to the adjacent habitat features) and are dominated by pipistrelle species which are considered to be low risk at the population level to wind turbine effects. With regard to noctule and horseshoe species, the bat activity is reported as sporadic and the report therefore suggests that it is unlikely to be related to opportunistic foraging as there are no structures, trees or other features with high potential to support bats within or close to the site boundary.

In response to this and the further information in relation to the timings of the noctule bat passes, NRW has indicated that a condition will be required to require that the operation of turbine T1 (northern turbine) is curtailed during the month of May. It is understood that this requirement has arisen as the noctule species has been



assessed as having high sensitivity to turbines and is therefore considered reasonable in the circumstances. The applicant has however suggested that an alternative to this would be to use a 'SCADA Bat Protection system' for turbine T1. This system enables the conditions for a wind turbine operation to be defined and implemented with regard to the hours during which bats are in flight, as location and species-specific bat flight times depend on various parameters including time of day, wind speed and temperature. This would mean that the turbine would slow during the periods when bats would be the most active and thereby reduce the likelihood of any impact with the turbine. The applicant's agent has also provided details of a development carried out by the Royal Society for the Protection of Birds (RSPB) at their HQ at Sandy, Bedfordshire, where a 150m turbine has been installed using such a system. In that case, the turbine had been designed to switch off automatically, whenever wind conditions reached a level that might threaten local wildlife, in particular populations of pipistrelle and noctule bats found in the area.

NRW has been re-consulted on whether it is felt acceptable for a suitably worded condition to be used to require the implementation of such a system, as an alternative to the total curtailment of turbine T1 during May previously suggested. In response, NRW has identified that various site specific data relating to the operation of the proposed system would need to be made available to them in order to determine whether such a system was appropriate. In the absence of this data, it is assumed that a period of monitoring would be required and it is therefore advised that the first season of operation is used to collect the relevant information. It is confirmed that they would consider the implementation of such a system after a review of the data and this could be considered after the first year of operation and a condition worded to accommodate this.

In relation to the impact on birds, the Environmental Report notes that the St Gwynno Plantation to the north of the Site is a SINC primarily designated for its breeding nightjar population. It was not considered however that nearby areas of plantation are suitable to support breeding nightjar, or that nightjar will preferentially forage over the site. It was also concluded that it was unlikely that foraging birds would fly at collision risk height and evidence of collisions with wind turbines was very limited. As part of the supplementary information submitted, details of 2 nightjar surveys carried out in July 2017 are included which confirm that nightjar do forage over the site, however it was considered that the impact on nightjars was already considered in the earlier assessment and the use of the site is also likely to be influenced by weather conditions and the resultant availability of prey. The use of the site by nightjar has been subsequently discussed with the applicant and it has been suggested by the Council's Ecologist that a condition is imposed in order to agree a scheme of nightjar activity monitoring to see how these birds react to the turbines and also to include measures to facilitate the restoration of areas disturbed by the works. In relation to other bird species, it was considered that whilst there was potential for carrion feeding birds to use the site opportunistically and therefore some potential for mortality due to blade strike, this was considered unlikely but due to the scale of the wind farm.

Overall, having assessed the reports provided the Council's Ecologist has concluded that the additional survey work and assessment rationales are reasonable, and subject to the resolution of what would appropriate mitigation in the operation of turbine T1 during the month of May, there will be no adverse impact on bats or birds. The comments received from NRW also raise no objection to the planning

application, subject to the imposition of an appropriate condition in relation to turbine T1. As such, it is not considered that the proposed development is likely to significantly adversely affect the existing habitat or protected species. However, it is recommended that conditions be attached to any permission granted, which would require the submission of a Species and Habitat Protection and Mitigation Plan for Construction, prior to commencement of any works on site and also a scheme to secure a habitat and ground restoration scheme. As such, it is considered that this aspect of the development accords with the requirements of policy AW8 of the Local Development Plan.

In terms of agricultural land quality the site is described as 'agriculturally improved and species-poor semi-improved grassland' which used to provide grazing for sheep. Whilst this issue is not considered in great detail, given that sheep grazing is extensive on this area it is not considered that the development of the proposed turbine would present a significant issue in this regard.

### **Public Rights of Way**

The site is crossed by a Public Rights of Way (PROW) YNR/15/1 and YCC/14/1 (bridleway) which runs from Buarth Capel in Ynysybwl to the north-east to Porth in the south. PROW YNR/14/1 (footpath) also runs along the western boundary of the site and connects with YCC/42/1 to the north and there are further PROWs running to the north and south of the site from where the site will be visible. Whilst the scheme does not propose to stop up or divert any existing PROW, it is noted that the existing bridleway (YNR/15/1) does not follow the definitive line which crosses the bottom of the southern field, but follows the existing farm track located adjacent to the south-east boundary of the site.

In order to determine the potential impact of the development on the PROWs in the assessment of this aspect of the scheme, consultation has been undertaken with the Council's PROW Officer. The initial comments raised issues regarding the proximity of the proposed southern-most turbine (T2) to the bridleway crossing the site and also advised that northern-most turbine (T1) should not over sail the footpath or be within fall-over distance. In respect of these issues, it is noted that TAN 8: Planning for Renewable Energy advised that wind turbines should be set back 'a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway'. It is also advised that the British Horse Society has suggested a 200m exclusion zone either side of public bridleways in order to avoid wind turbines frightening horses, however it is advised that this is not a statutory requirement and the circumstances pertaining to any particular site should be taken into account.

Additional information has therefore been submitted by the applicant which notes that guidance contained in TAN 8 provides no statutory guidance regarding the separation between bridleways and wind turbines and the particular circumstances of the site should be taken into account. It is also noted that the bridleway is not a national trail and not extensively used. In this case, the distance from either wind turbine to the nearest footpath exceeds the radius of the wind turbine blades and therefore satisfies the guidance contained in TAN 8. It is also noted that the route of the bridleway to the east of the southern turbine (T2), does not follow the definitive route shown on the Council's records or shown on the Ordnance Survey map (86 m from the turbine) , but follows the established track further to the east of the bridleway (138m from the turbine). The additional information also details that the British Horse Society (BHS) recommends an initial distance of 200m be considered

during the design phase, but the distance can be reduced after considering the local circumstances. The applicant submits that these recommendations have been taken into account together with local circumstances and it is considered that the distance of 137.5 metres which would separate the wind turbine T2 from the bridleway, is sympathetic to horse riders and their mounts. Furthermore, the applicant is of the view that the evidence for wind turbines adversely affecting horse riding is not proven, however that provision should be made to ensure the wind turbines are not approached in a manner that could cause surprise to the horse.

The applicant has also provided details of various studies and horse riders' accounts when experiencing wind turbines, including where bridleways are being used within the recommended 200m guidance. The BHS recommend that an alternative route is provided where separation distances cannot be achieved however in this case, it is advised that from the south the turbines are clearly visible for several hundred metres and from the north, they are visible from over 400 metres. It is therefore maintained that by looking at the evidence provided, the separation distance from the wind turbine to the bridleway route is adequate and their operation will not therefore adversely affect the use of the use of the footpaths or bridleway by the public.

It is acknowledged that concerns were initially raised by the PROW Officer to the distance between the bridleway and the southernmost turbine (T2) and it would be preferable if the turbine could be sited at the 200m recommended by the BHS, however the existing constraints within the site prevent this from being an acceptable option. It is also acknowledged that the bridleway does not currently follow the definitive route, although, the applicant has indicated that the landowner could apply separately to have the bridleway diverted which would overcome the issue. The BHS survey results provided by the applicant do not conclusively demonstrate that turbines of this size would not have a negative effect on horse riders, however the characteristics of the site mean that the turbines would be clearly visible for some distance both to the north and south as indicated in the applicant's response. In respect of evidence from users of the bridleway, site notices advertising the application were placed adjacent to the public bridleway, however it is noted that the only issue that has been raised is in a general objection to safety resulting from proximity to the public footpaths and bridleways, rather than from a horse rider advising that their use of the bridleway would be affected. In the absence of any statutory guidance in respect of this issue and given the circumstances of this case, it is therefore considered that it would be difficult to demonstrate that the wind turbines would have a detrimental impact on the use of nearby PROWs and the application is therefore on balance, acceptable in this regard.

The applicant would need to make adequate provision to ensure during the construction period, that users of the PROW are aware that construction traffic will be crossing the route. Similarly, any damage caused to sections of the PROW as a result of the development would need to be rectified. As there is separate legislation that relates to the maintenance and management of PROWs, an informative note, drawing the applicant's attention to these issues and the need to consult with the Council's Public Rights of Way Officers is therefore suggested.

### **Cultural Heritage**

In order to aid in the assessment of the proposal, in terms of cultural heritage, consultation has been undertaken with Glamorgan Gwent Archaeological Trust

(GGAT). Their response identifies that Chapter 12 of the Environmental Statement was compiled by Archaeology Wales in order to assess the heritage impact of the proposal. It is noted that a total of 32 sites were identified within the study area, with one, Cefn Gwyngul Cairn, located within the proposed development area. Despite the site being open pasture/arable land, archaeologically significant features have been encountered in the locality, part of a landscape that has been occupied since at least the Bronze Age. There is a moderate potential to encounter remains from the prehistoric, medieval and Post-medieval periods. The document also identifies stone-built historic field boundaries that be potentially affected by the proposal. GGAT identifies that as a result, it is possible that archaeologically significant remains may be encountered during the course of the development and a condition is therefore recommended requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. This work would take the form of an appropriate survey of an historic field boundaries that may be affected by the proposal, as well as a watching brief during the groundworks required for the development and an informative note is also recommended to inform the applicant about the standard of work required.

As a result of the advice provided by GGAT, it is therefore concluded that whilst there is the potential for archaeological significant remains to be found in the area to be developed, this impact of the development can be appropriately mitigated through the use of the suggested condition.

### **Economic Benefits**

The importance of renewable energy generation as part of the response to climate change is recognised at a UK Governmental level and wind generation is acknowledged as a viable form of substantive renewable energy production for the short-to medium-term. Furthermore, renewable energy from wind supports the national economic objective to diversify energy supply and to lessen dependence upon the importation of fossil fuels. PPW and the LDP require the economic considerations of any proposed wind turbine to be considered. As set out above, in this case the turbine would be classed as a small scale wind development in policy terms, being a “sub local authority” scale of development, at under 5MW.

The Environmental Report identifies that in addition to the environmental benefits associated with the generation of clean electricity, the wind turbines at Llwyncelyn would also represent an important farm diversification opportunity and provide an additional income stream to a local farm.

It is advised that this diversification will include the generation of green electricity and will reduce the overall carbon emissions from the farm’s operational practices which, it has been calculated, contribute an annual carbon emission equivalent of 424 tonnes of carbon dioxide. The proposed turbines would however save an estimated 4,582 tonnes of CO<sub>2</sub> annually, thereby offsetting over ten times the farm’s annual emissions. It is therefore submitted that this is not only is this a significant contribution to the environmental sustainability of the farm and its future operations, but also constitutes sustainable development by the nature of the production of renewable energy.

In terms of electricity generation, it is advised that the proposed project would generate an estimated annual 9,547 MWh, which is sufficient for 2,289 homes or

38% of the homes contained within Porth. The application also highlights that whilst the wind turbine manufacturer would be responsible for all works associated with the supply and installation of the wind turbines, contracts for local electrical works, as well as all ground works, would go out to tender and local companies may therefore benefit from these contracts, which are estimated to be worth up to £750,000.

In terms of local community benefit, it is noted that it is intended to sponsor three local schools - Pontygwaith Primary School, Cymmer Junior School and Ynyshir Community Primary School £4,000 each per annum for the next 20 years This equates to over £240,000 over the lifetime of the project. The applicant has also advised in addition to educating and helping these schools to become more self-sufficient, energy efficient and overall lower their carbon and ecological footprint, they would also like to get involved in various community projects in order to improve the wellbeing and educational development of residents in the community through various sustainable living events. Members will be aware however that Government guidance makes it clear that any community funds should be operated outside of the planning system and as such, they should not be taken into consideration when determining this application.

### **Aviation**

As part of the assessment of the planning application, consultation has been undertaken with Cardiff Airport and National Air Traffic Services (NATS). Having assessed the application their initial response raised an objection based on advice that had been received from the NATS Safeguarding team that the turbines would be visible to the Cardiff radar and would have a detrimental impact on our operation. The Council was subsequently advised however that after further analysis of the attached application NATS had decided that the development can go ahead and therefore no objection was raised to the development. By way of an explanation, Cardiff Airport advised that they had been made aware of this scheme but had not been made aware that this development was the current application and as such, their response was written with the expectation of another application to follow which would have caused a problem.

### **Safeguarding of Minerals**

The site is located within an area allocated as a Sandstone resource under Policy AW14.2 and is therefore within a mineral safeguarding zone where the resource should be safeguarded from any development which would unnecessarily sterilise them or hinder their extraction. The proposed development site is however restricted to a small area immediately surrounding the turbines and access tracks and it is not therefore considered that the application will have any adverse impact on this identified resource, particularly as the extent of sterilisation would be minimal and temporary, since the development only has a life of only 25 years.

### **Drainage**

In relation to drainage matters, the Environmental Report identifies that the site is not located within or near a flood risk zone and the site and surrounding area are not subject to flooding from surface runoff. There are also no streams, rivers or waterways crossing or in proximity of the proposed site location. It is confirmed that SuDs are proposed and no objections are raised by the Council's Land Reclamation

and Engineering Section subject to the imposition of a condition in relation to the treatment of flood risk management.

### **Community Infrastructure Levy (CIL) Liability**

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

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

### **Conclusion**

The development represents a small scale (in policy terms) wind development that would contribute to the Welsh Government's commitment to optimising renewable energy generation, as set out in Section 12 of PPW. Furthermore, having assessed the impacts of the development on the character of the landscape, the visual amenity from nearby residential areas and potential cumulative impact with existing and proposed wind turbines in the vicinity, on balance, it is considered that the proposed development can reasonably be accommodated within the landscape without significant harm to its character and amenity. In addition to this, no objections have been raised by statutory consultees with respect to the potential impacts upon either the amenity of nearby residential properties, highway safety or ecology.

### **RECOMMENDATION: Grant**

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

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

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

- Location Plan: Figure 1 – 16/5/16
- Location Plan and Access Route: Figure 1a – 16/5/16
- Detailed Layout : Figure 2 – 16/5/16
- Transformer Cabin Plan and Elevation: Figure 3a – 16/5/16
- Typical Wind Turbine and Foundation: Vensys – 16/5/16
- Grid Connection Route: - 16/5/16

and documents received by the Local Planning Authority on 16/5/16 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of

the First Export date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

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

- the removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm;
- confirmation of the management and timing of works;
- a traffic management plan to fully address highway issues during the period of the decommissioning works;
- any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.
- The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with policies CS1, AW5, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

4. Operations shall not be commenced until details of the design, colour and external finish of the turbines and associated structures, proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

5. The wind turbines shall be of a 3 bladed configuration and not exceed an overall height of 125m to the tip of the turbine blades. The turbines shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbines shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interests of visual amenity and to ensure that the turbines are not obsolete, produce electricity whilst in situ and are removed from the site if they cease to function, in accordance with policies CS1, AW5, AW7, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To minimise environmental impact in the vicinity of the site in accordance with policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of works on the turbine bases, access route and cable run, a detailed design and method statement for their construction shall be submitted to and approved by the Local Planning Authority. The statement shall include measures to:

- prevent pollution;
- control surface water runoff;
- control and prevent non-native invasive species especially Himalayan Balsam and Japanese Knotweed; and
- include the remedial works needed to reinstate the land.

The works shall be carried out in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.

Reason: To minimise environmental impact in the vicinity of the site in accordance with policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To minimise impact on the amenities of local residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached guidance notes, shall not exceed the values for the relevant interger wind speed set out in, or derived from, the table attached to these conditions at the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent. For the purpose of this condition, curtilage is defined as 'the boundary of a lawfully existing domestic garden area'.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.



11. At the reasonable request of the Local Planning Authority, following a complaint to it about noise emissions from the wind turbines, the wind turbine operator shall, if required shut down the turbine and at their own expense, employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure and assess, and report to the Local Planning Authority the level of noise emissions from the wind turbine at the property to which relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority and in accordance with the attached guidance notes. The assessment shall be commenced within 21 days of the notification and provided to the Local Planning Authority within 2 months of the date of the request, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. In the event that an alternative turbine to that contained in the submitted noise assessment (Chapter 9 and Appendices of the Environmental Report August 2016) is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

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

14. Notwithstanding the provisions of conditions 10 – 13, the wind farm operator shall undertake measurements of noise levels using an appropriately qualified noise consultant during the first year of the operation of the wind turbines in a scheme to be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 10 are being met. The data produced in accordance with the scheme shall be forwarded to the Local Planning Authority within 28 days of the measurements being undertaken.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. Wind speed, wind direction and power generation data for the wind turbines shall be continuously logged by the wind farm operator in accordance with the guidance note 1(d) and provided to the Local Planning Authority at its request and in accordance with the attached guidance note 1(e) within 28 days of any such request. This data shall be retained for a period of not less than 24 months.

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

16. At the reasonable request of the Local Planning Authority, following a complaint to it about shadow flicker from the wind turbine, the operator of the wind turbine shall, if required shut down the turbine and at its expense, employ a consultant approved by the Local Planning Authority, to measure, assess and report to the Local Planning Authority the level of shadow flicker generated by the operation of the wind turbine at the property to which relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

If the assessment requested by the Local Planning Authority demonstrates unacceptable levels of shadow flicker, the operator of the turbine shall take immediate steps to provide mitigation to ensure that the impacts are reduced to an acceptable level. The operator shall provide written confirmation of that scheme of mitigation and timescale for its implementation, to the Local Planning Authority within a time period to be agreed with the Local Planning Authority.

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

17. No development shall take place until a Species and Habitat Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:
- a) An appropriate scale plan showing Protection Zones where construction activities are restricted and where protective measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed
  - d) Details of specific species and habitat mitigation and monitoring measures for key species including bats, nightjar, and reptiles,
  - e) Details of wildlife sensitive lighting proposals
  - f) Details of water pollution control measures
  - g) Details of Himalayan Balsam control

- h) An agreed scheme of progress reporting to the Council during the construction programme.

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- iii) Installation of physical protection measures and management during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and Habitat Mitigation measures
- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

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

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

- 18. No development shall take place until details of habitat and ground restoration scheme has been submitted and approved in writing by the Local Planning Authority.

All works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

- 19. No development shall take place until a bat mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a turbine shutdown programme and further post-construction monitoring. The turbines shall not be operated other than in strict accordance with the approved scheme.

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

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

- a. Detailed swept path analysis including mitigation measures and use of potential third party land.
- b. Traffic Management (during transportation of abnormal loads);

- c. Traffic management during construction.
- d. Structures (over bridges height, width, weight restrictions);
- e. Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales);
- f. Dry Run (to be witnessed by highway authority and police);
- g. Temporary Traffic Regulation Orders; and where residents displaced parking would take place without impacting on free flow of traffic and highway safety;
- h. Emergency Contingencies.

Reason: In the interests of highway safety/to ensure safe and satisfactory delivery of all components in accordance with policy AW5 of the Rhondda Cynon Taf Local development Plan.

21. Development shall not commence until details of the means of access to include permanent surfacing for the first 20m off the public highway have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure mud and debris are not tracked onto the highway in accordance with policy AW5 of the Rhondda Cynon Taf Local development Plan.

22. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads (un-named Lane) that could be affected by the proposed development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local development Plan.

23. Heavy Goods Vehicle deliveries shall take place between 09:00am-16:00pm Monday to Friday.

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

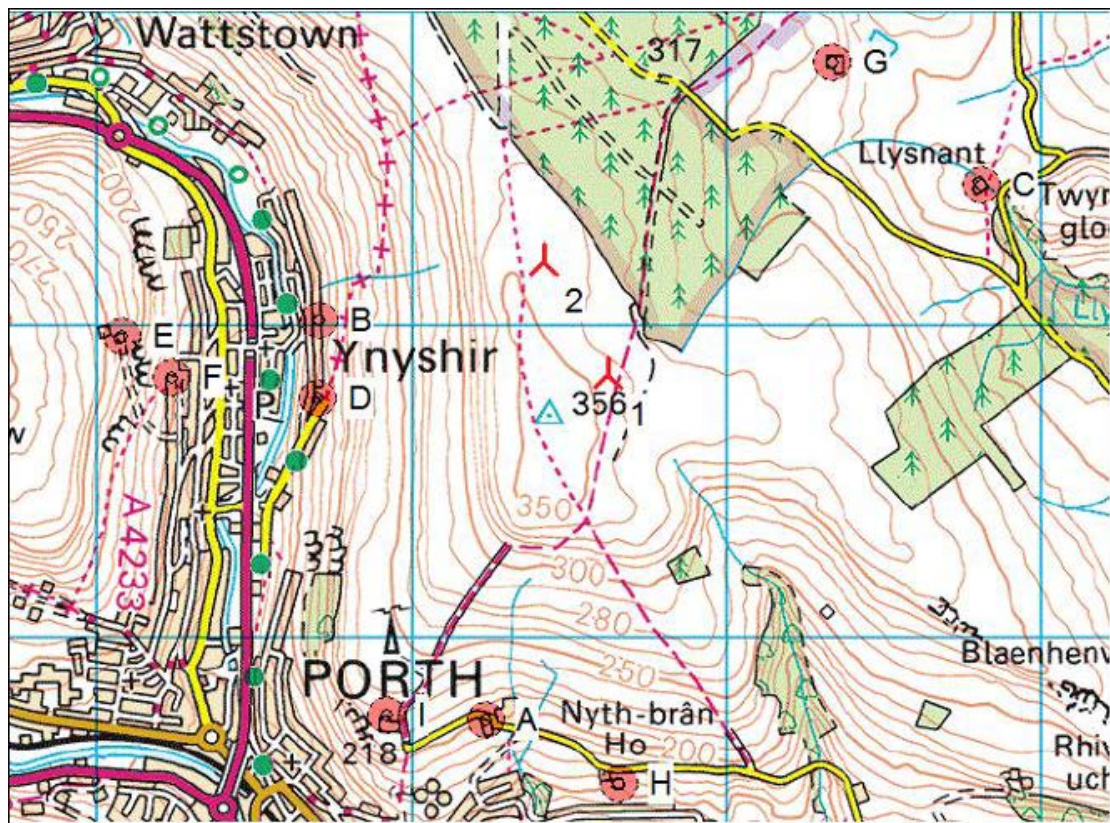
24. No development shall take place until full drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The turbines shall not be brought into use until drainage arrangements have been completed in accordance with the approved details.

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

Development Plan.

Noise levels at all times. (Noise Level in dB <sub>LA90, 10min</sub> )												
Map Ref*	Address	NGR		Wind speed at 10m Height in m/s								
				4	5	6	7	8	9	10	11	12
A	Landowner	303,240	191,724	35	35	35	35	35	35	35	35	35
B	Heath Terrace	302,712	193,003	35	35	35	35	35	35	35	35	35
C	Llysnant Farm	304,817	193,438	35	35	35	35	35	35	35	35	35
D	Llanwonno Road	302,704	192,755	35	35	35	35	35	35	35	35	35
E	Penylan Farm	302,087	192,953	35	35	35	35	35	35	35	35	35
F	Cae Siriol	302,244	192,820	35	35	35	35	35	35	35	35	35
G	Llwynperdid Farm	304,344	193,831	35	35	35	35	35	35	35	35	35
H	Nyth-bran House	303,662	191,521	35	35	35	35	35	35	35	35	35
I	Pen-rhiw-gwynt	302,924	191,739	35	35	35	35	35	35	35	35	35

\* - As Indicated on Map 9 of Noise Sensitive Locations on page 83 of Environmental Report August 2016



Scale 1:40,000

New WTG

Noise sensitive area

## **SCHEDULE OF GUIDANCE NOTES RELATING TO THE NOISE CONDITIONS**

These notes are to be read with and form part of the noise conditions.

They further explain the conditions and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

### **Guidance Note 1**

- (a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and wind direction at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods, unless otherwise agreed in writing with the Local Planning Authority. The mean wind speed data for the operating turbines shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements

determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

- (e) Data provided to the Local Planning Authority in accordance with the noise conditions shall be provided in comma separated values in electronic format.

## **Guidance Note 2**

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2.
- (b) Valid data points are those measured in the conditions specified by the Local Planning Authority in its written request under paragraph (c) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurements periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10-minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

## **Guidance Note 3**

- (a) Where, in the opinion of the Local Planning Authority as advised to the wind farm operator in its written request under paragraph (c) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

- (c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.

#### **Guidance Note 4**

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range requested by the Local Planning Authority in its written request under condition 20.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant’s dwelling approved in accordance with condition 22, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- (e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under condition 20.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:



(g) The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for tonal penalty (if required in accordance with note above) at any integer wind speed lies at or below the values set out in Tables 1 and 2 attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 22 then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in Tables 1 and 2 attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 22 then the development fails to comply with the conditions.

**APPLICATION NO:** 16/1226/10 (KL)  
**APPLICANT:** Tom Prichard (Holdings) Ltd  
**DEVELOPMENT:** Retention of offices, associated car park, new vehicular access and boundary fencing. Construction of new gatehouse.  
**LOCATION:** UNIT 16 EARTHMOVERS HOUSE, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONTYCLUN, CF72 8LF  
**DATE REGISTERED:** 20/12/2016  
**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION:** Approve

**REASONS FOR RECOMMENDATION:**

The proposal would enable an established business to fully re-locate from its current location at Castellau Fach Farm to a more appropriate site on Llantrisant Business Park. Permission has already been granted for the change of use of the land to a vehicle depot (planning ref. 14/0979) however the offices and associated car park are required to accommodate management and office staff at the site. Given that the site is located on Llantrisant Business Park, the principle of the proposal is considered to be acceptable. Furthermore, it is not considered that the proposal has any adverse impact on the character and appearance of the Business Park, the residential amenity and privacy of surrounding residential properties or upon highway safety in the vicinity of the site.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to Service Director Planning.

**APPLICATION DETAILS**

Retrospective planning permission is sought for the retention of an office building, an associated car park with a new vehicular access and a new boundary fence at Unit 16, Earthmovers House, Llantrisant Business Park. Permission is also sought for the construction of a new gatehouse to replace the temporary cabin currently at the site.

The office building has been constructed toward the most eastern part of the site. It has an irregular shaped footprint measuring a maximum of 21 metres in width by a maximum of 18 metres in depth with a predominantly flat roof design which measures 2.8 metres in height. A glazed entrance lobby with a pitched roof gable design is positioned to the south facing front elevation which measures 4.7 metres in height. External materials consist of painted textured plywood (grey), a flat membrane roof (grey) to the main office and composite (black) roof tiles to the entrance lobby. The windows and doors are red or grey aluminium.

The car park has been laid out between the south facing front elevation of the office building and the highway at Llantrisant Business Park. It extends to a maximum width and depth of 42 metres and 8 metres respectively, providing a total of 50 car parking spaces. A new vehicular access has been created off the southern boundary with the road at Llantrisant Business park. The access provides a separate access to the plant yard access which is set further along the estate road to the east.

A new boundary fence has been constructed along the full length of the southern boundary (minus the new vehicular access) between the car park and the footway and along the western boundary between car park and the adjoining Llantrisant Dialysis Centre. The fence measures 2 metres in height and is of a metal bar construction. It is proposed that a hazel hedge will be planted between the fence and the car park.

The proposed gatehouse would be sited adjacent to the main entrance of the plant yard (off the existing turning head at the very end of Llantrisant Business Park). It would measure 4.6 metres in width by 4.6 metres in depth with a pitched roof design which would measure a maximum of 3.4 metres in height from ground level. It would incorporate a low-level natural stone base with aluminium windows above. The roof would consist of composite slate.

The application is accompanied by the following:

- **Design and Access Statement** – states that the office building provides modern working facilities for up to 14 management and staff. The proposed gate house will provide facilities for monitoring of site wide CCTV and a building to accommodate a permanent gatekeeper during operational hours and a night watchman overnight. The adjacent depot receives vehicles and plant 24 hours per day, 7 days per week and on any day of the year. To support the operations of the plant and the proposed workshop (subject to a separate planning application, ref: 16/1251), the offices, gatehouse and associated car and van parking areas are in use 24 hours a day, 365 days a year.
- **Coal Mining Risk Assessment**

It should also be noted that a separate application (planning ref. 16/1251) for the construction of a vehicle repair and maintenance workshop, fuelling station and

associated concrete slab areas at the site has been submitted and is currently being considered alongside this application. An additional application (ref. 16/1220) to vary the conditions of the originally approved application for the change of use of the site (ref. 14/0979) is also being considered.

## SITE APPRAISAL

The application site relates to an irregular shaped plot of land located toward the north-western corner of Llantrisant Business Park. It measures approximately 1817m<sup>2</sup> and forms part of a larger site associated with Tom Pritchard (Holdings) Ltd which operates a large and growing fleet of lorries, vans, large construction equipment and non-operated plant and equipment. The application site currently comprises of the offices and associated car park which are both accessed via a new vehicular access point to the southern boundary. The adjacent land (to the north, north-east and east) forms part of the plant yard and is currently subject to a separate planning application for the construction of a vehicle repair and maintenance workshop, fuelling station and associated concrete slab areas.

The new vehicular access is served off the existing estate road through Llantrisant Business Park with this southern boundary being enclosed by a 2 metre high metal bar fence. The fence extends along the western boundary of the site which is flanked by the grounds of Llantrisant Dialysis Centre. Ground levels within and around the site are comparatively level.

The site is situated within an established industrial area with various industrial units and uses being visible in the immediate vicinity. The nearest residential properties to the application site include 'Bryn-y-Fedw', 'Tal-y-Fedw', 'Tylclwydau' and 'Ty Carreg Glas' which are located in the open countryside approximately 158 metres to the north-east of the site.

It is noted that a Public Right of Way (ANT/226/4) runs to the south and east of the site.

## PLANNING HISTORY

16/1251	Unit 16, Earthmovers House, Llantrisant Business Park	Construction of a new vehicle repair and maintenance workshop, fuelling station and associated concrete slab areas.	Pending
16/1222	Unit 16, Earthmovers House, Llantrisant Business Park	Discharge of conditions 3 (drainage arrangements), 4 (details of hardcore materials & tie in details), 5 (wheel washing), 6 (hedgerow & wildlife protection plan) and 7 (scheme of landscaping) of planning application 14/0979	Withdrawn
16/1220	Unit 16, Earthmovers House, Llantrisant Business Park	Variation of conditions of planning permission 14/0979.	Pending

14/0979	Land at north east corner, Llantrisant Business Park, Llantrisant	Change of use of undeveloped land to a depot for the parking and storage of vehicles and construction plant. Works include erection of security fencing and security cameras.	Granted 07/01/15
14/0284	Land at Tal y Fedw Farm, Llantrisant Business Park	Variation of condition 1 of planning application no. 10/1285 to extend by three years the period within which reserved matters applications may be submitted.	Granted 11/06/14
10/1285	Land at Tal y Fedw Farm, Llantrisant Business Park	Application to vary condition 1(C) imposed on planning permission no. 07/0364.	Granted 31/01/11
10/0092	Renal Unit, Llantrisant Business Park, Llantrisant	Proposed erection of a single storey extension to an existing renal dialysis unit with ancillary car parking and vehicular access provision.	Granted 13/04/10
09/1184	Access 34, Llantrisant Business Park, Llantrisant	Change of use from light industrial to facility to recycle waste electronic and electrical equipment.	Withdrawn 11/12/09
07/0364	Land at Tal y Fedw Farm, Llantrisant Business Park	Employment development (outline) including all associated building, engineering operations and landscaping.	Granted 22/04/07

## PUBLICITY

The application has been advertised by means of direct neighbour notification letters and the erection of site notices in the vicinity of the site. Two letters have been received in relation to the proposal and are summarised as follows:

- Concern is raised with regard to the additional noise and light pollution that any development in the vicinity of our home generates;
- The visual impact of any new development risks being discordant with the landscape, as the existing industrial units are relatively well masked by trees;
- The temporary workshop currently at the site, when viewed from our house, demonstrates the harsh contrast of a building that is unsympathetic to its surroundings without the benefit of significant plan cover;
- Mr Pritchard is aware of the impact his company's behaviour has upon its neighbours and he has reassured me of his commitment to addressing concerns;
- As a result of this highly constructive dialogue and his willingness to address our concerns, we are not objecting to the proposal.

One letter of objection has also been received from an adjoining landowner and is summarised as follows:

- Gates have been erected by Tom Pritchard on land to the west of the Dialysis Centre and it is quite obvious that works are just being carried out as when they like without any prior approval;
- The gates have been erected unlawfully and against a legal document lodged at Land Registry so they cannot be considered under planning and enforcement should be carried out immediately.

## **CONSULTATION**

Coal Authority – no objection, however, an advisory note is suggested.

Countryside, Landscaping and Ecology – no objection.

Flood Risk Management – no objection.

Natural Resources Wales – the proposed development does not affect matters on our Checklist and therefore do not have any comments to make.

Public Health – no objection subject to standard conditions.

Transportation – no objection or condition suggested.

Dwr Cymru/Welsh Water – no objection subject to a standard condition and advisory notes.

## **POLICY CONTEXT**

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

The application site lies inside the settlement boundary and is not allocated for any specific purpose.

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

**Policy AW2** - supports development in sustainable locations.

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

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

**Policy AW7** – aims to protect and enhance the built environment, including public rights of way.

**Policy AW8** – aims to protect the distinct natural heritage of Rhondda Cynon Taf.

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

**Policy AW11** – discusses the need to maintain employment uses with existing sites, although it allows for changes of use subject to certain criteria.

Supplementary Planning Guidance:

Design and Placemaking  
Access, Circulation and Parking

### **National Guidance**

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

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

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

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

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

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

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

#### **Main Issues:**

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

The application site is located toward the north-eastern corner of Llantrisant Business Park and is situated within the defined settlement boundary of the Southern Strategy Area. It is currently occupied by Tom Pritchard (Holdings) Ltd and consists of a depot for the parking and storage of vehicles and construction plan (planning approval 14/0979). The proposal would result in the expansion of the existing business through the provision of offices and associated car parking, thereby providing considerable employment opportunities in the area. The site has a clear relationship with the existing business park with access provided via the main arterial route through the estate which connects to the A4119 and wider south Wales area. The principle of the proposal is therefore considered to be acceptable, subject to the consideration of further criteria set out below.

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

The application site has been subject to some significant changes since the approval of the initial application for the change of use of the land to a vehicle depot (14/0979). It was previously an undeveloped parcel of land which was predominantly covered with vegetation and enclosed on all four sides by established trees and

hedgerows. However, the site has since been cleared (with the exception of the far northern boundary hedgerow) and is now occupied by a number of vehicles and construction plant along with the offices, associated car park and boundary fence which are the subject of this application (the gatehouse had not been constructed at the time of the site visit).

The southern boundary of the application site fronts directly onto the arterial access road of an established business park where there are numerous examples of industrial-style units of varying scales and designs. The office building and gatehouse are considered to be acceptable in terms of their scale, design and overall visual appearance and it is not considered that they are/would be out of keeping with other industrial units in the vicinity. The adjacent car park is viewed in context with the offices and wider business use of the site and therefore does not appear as an overly dominant feature within the locality. In addition to this, the site is enclosed by 2 metre high bar metal fencing which has an acceptable impact on the visual amenity of the site. Whilst the removal of the previous hedgerow is regrettable, a hazel hedgerow is proposed inside of the erected fence which would form an acceptable replacement in terms of visual amenity.

Two letters have been received from nearby residents that raise some concern with regard to the visual impact of any new development which would pose a risk of being discordant with the landscape. Whilst these comments are appreciated, the development forms a relatively minor addition to the site which would be viewed against the backdrop of the wider Llantrisant Business Park in which there are a variety of different industrial buildings and uses.

As such, it is not considered that the proposal has an adverse impact on the character and appearance of the surrounding area and the application is therefore considered to comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan in this regard.

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

Although the wider site is flanked by open countryside to the north and east, it is located on the perimeter edge of an existing business park (to the south and west) which is characterised by numerous industrial units and uses. It is, however, acknowledged that Llantrisant Dialysis Centre is located immediately adjacent to the western boundary of the site. Given the very nature of the use of this building, there is some concern that the location of the office and car park would have some impact in terms amenity. However, the impact of the overall use of the site has already been considered and approved under planning application 14/0979 and it is not considered that the provision of the offices and car park would have any further impact. In addition to this, the location of the Dialysis Centre has an unusual setting on an established industrial estate and the users of the facility would therefore be accustomed to the commercial activities and vehicle movements which already take place in the area. In any case, a hazel hedgerow would be planted alongside the existing boundary fence which would form some degree of screening and it is therefore not considered that the proposal would have such a detrimental impact in this respect that it would warrant the refusal of the application.

The nearest neighbouring residential properties are located at least 150 metres to the north-east ('Tyclwydau', 'Bryn-y-Fedw', 'Tal-y-Fedw' and 'Ty Carreg Glas') and would therefore not be affected by the offices, car park or vehicular access in terms

of overbearing, overshadowing and overlooking impacts. It is, however, noted that two letters have been received which raises concern with regard to the additional noise and light pollution that any development would have on nearby properties. Whilst this is appreciated, the offices and car park would form a relatively minor aspect of the site which would not significantly or unacceptably increase the overall noise and light pollution over that which is created by the established use (i.e. that approved under planning application: 14/0979).

Overall, it is not considered that the proposal would have an unduly harmful impact upon the residential amenity and privacy of the nearest neighbouring properties or upon Llantrisant Dialysis Centre. The application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on highway safety and parking**

The Council's Transportation Section has been consulted on the application and subsequently raise no objection to the proposal. This view accepts that the majority of the works have already been completed and are considered to be satisfactory in terms of access, circulation and parking. It is therefore not considered that the proposal would have a detrimental impact on highway safety and would comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other:**

### **Ecology**

The proposal includes the provision of a hazel hedgerow along the southern and western boundaries of the site (adjacent to the boundary fencing which has already been erected). The Council's Ecologist has assessed the information submitted and subsequently raises no objection to the proposal.

### **Public Health**

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. Appropriate advisory notes are considered to be sufficient in this instance.

### **High Coal Risk Area**

The application site has been identified as being within a High Coal Risk Area and the application is therefore required to be accompanied by a Coal Mining Risk Assessment. The Coal Authority has been consulted on the contents of the assessment received and raises no objection to the proposal. However, an informative note is recommended to draw the applicant's attention to potential issues.

### **Drainage**



Consultation has been undertaken with the Council's Land Reclamation and Engineering Section and Welsh Water with a view to assessing any potential impacts upon land drainage. The responses received raise no objection to the proposal, however, this is subject to the drainage arrangements detailed within the amended plans submitted being implemented on site. A condition is therefore recommended accordingly.

### **Concerns raised by objector**

The objector indicates that the applicant for this application has erected a gate on land to the west of the Dialysis Centre and that this now prevents access to the site to the north. Whilst this issue is acknowledged, it is important to note that the grant of planning permission does not affect rights of access over land and the issue cannot be used as a reason to refuse planning permission. The objector would therefore be advised to seek legal action outside of the planning process.

It is understood that the applicant initially intended to include the gates in this application however it was subsequently confirmed that a separate application would be submitted so as not to hold up the determination of the current applications. The application for the gates had not been received at the time of writing this report and the issue is currently being dealt with by the Enforcement Section.

The objector also raises concern that the site has already been largely developed without the benefit of planning permission and whilst it is agreed that the situation is not ideal, it cannot be used as a reason to refuse planning permission. In such instances where works have been carried out without planning permission, the developer must be given the opportunity to apply for planning permission retrospectively before any enforcement action is taken.

### **Community Infrastructure Levy Liability**

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

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

### **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality, upon the residential amenity of the surrounding neighbouring properties or upon highway safety. As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

### **RECOMMENDATION: Grant**

1. The gatehouse hereby approved shall be constructed in accordance with the approved plan (Drawing No: 1042\_112A) received by the Local Planning Authority on 3<sup>rd</sup> November 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

2. Within 3 months of the date of this decision, the landscaping scheme shall be carried out in accordance with the plans and details received by the Council on 20<sup>th</sup> June 2017 and 3<sup>rd</sup> October 2017 unless otherwise agreed in writing by the Local Planning Authority:

- Drawing no. 1042-115A: Detail 'A' Proposed Hazel Hedging (20<sup>th</sup> June 2017);
- Drawing no. 1042-03I: Proposed Site Plan (3<sup>rd</sup> October 2017). Reason: To ensure that the development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

3. Within 3 months of the date of this decision, the drainage scheme shall be implemented on site in accordance with the plans and details received by the Council on 3<sup>rd</sup> October 2017:

- Drawing no. 1042-03I: Proposed Site Plan;
- Drawing no. 1042-55B: Detail 'C' Fence Detail to Boundary at West End.
- Document no. 1042\_SDC\_A: Storm Drain Calculation.

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

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**APPLICATION NO:** 16/1251/10 (KL)  
**APPLICANT:** Tom Prichard (Holdings) Ltd  
**DEVELOPMENT:** Construction of new Vehicle Repair and Maintenance Workshop, Fuelling Station and associated concrete slab areas.  
**LOCATION:** UNIT 16 EARTHMOVERS HOUSE, LLANTRISANT BUSINESS PARK, LLANTRISANT, PONTYCLUN, CF72 8LF  
**DATE REGISTERED:** 22/12/2016  
**ELECTORAL DIVISION:** Town (Llantrisant)

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**RECOMMENDATION:** Approve

**REASONS FOR RECOMMENDATION:**

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The proposal would enable an established business to fully re-locate from its current location at Castellau Fach Farm to a more appropriate site on Llantrisant Business Park. Permission has already been granted for the change of use of the land to a vehicle depot (planning ref. 14/0979) however the workshop and fuelling station would enable the maintenance, servicing and re-fuelling of the vehicles and plant stored at the site. Whilst it is noted that the workshop building is relatively large in scale, it would be viewed in context with other industrial units in the vicinity and would therefore not have any undue impact on the character and appearance of the surrounding area. Furthermore, it is not considered that it would have a significant impact on the residential amenity and privacy of surrounding properties or upon highway safety in the vicinity of the site.

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## REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning.

## APPLICATION DETAILS

Full planning permission is sought for the construction of a vehicle repair and maintenance workshop, a fuelling station and associated concrete slab areas at Unit 16, Earthmovers House, Llantrisant Business Park, Llantrisant.

The proposed workshop would be located centrally within the site and would measure 42 metres in width by 23 metres in depth with an up and over pitched roof design which would measure 9 metres in height to its ridge. It would incorporate 5 insulated sectional doors within the east and west facing elevations with a total of 7 singular pedestrian access doors being positioned throughout the east, west and south facing elevations. External materials would consist of profiled metal cladding (light grey) with a profiled metal sheeting roof (light grey).

The proposed fuelling station would be sited approximately 30 metres to the east of the workshop and would form a rectangular shaped plateau measuring 17.3 metres in width by 14 metres in depth. It would incorporate two sets of dispenser pumps set on raised islands which could serve up to four vehicles at a time. A separate red diesel pump would be located in the most north-western corner to provide red diesel to plant hire fleet before hire.

The proposed concrete slab area would be sited between the proposed workshop and the proposed fuelling station.

The application is accompanied by the following:

- **Design and Access Statement** –The depot receives vehicles and plant 24 hours per day, 7 days per week and on any day of the year. To support the operations of the plant, the workshop and fuelling station would be in use 24 hours a day, 365 days a year.
- **Coal Mining Risk Assessment**

It should also be noted that a separate application (planning ref. 16/1226) for the retention of offices, car park, vehicular access and boundary fencing at the site has been submitted and is currently being considered alongside this application.

## **SITE APPRAISAL**

The application site relates to an irregular shaped plot of land located toward the north-western corner of Llantrisant Business Park. It measures approximately 0.8 hectares and forms part of a larger site associated with Tom Pritchard (Holdings) Ltd which operates a large and growing fleet of lorries, vans, large construction equipment and non-operated plant and equipment. Access is provided via an existing access point off the turning head at Llantrisant Business Park and is separate to that serving the office building and staff/visitors car park to the southern boundary (subject to separate planning permission: 16/1226).

The site has previously been engineered and is now of a relatively flat topography. Although it has predominantly been cleared of all vegetation, the mature hedgerow to the northern boundary has been retained. Further trees and vegetation are visible to the north-eastern corner. At the time of the officer's site visit, a temporary workshop was located toward the most north-western part of the site with the remainder of the site being occupied by a number of large works vehicles and containers.

The site is bound by open countryside to the north and east with existing industrial units forming part of Llantrisant Business Park being located to the south and west. Llantrisant Dialysis Centre is located at the south-western corner.

The nearest residential properties to the application site include 'Bryn-y-Fedw', 'Tal-y-Fedw', 'Tylclwydau' and 'Ty Carreg Glas' which are located in the open countryside approximately 165 metres to the north-east of the site.

It is noted that a Public Right of Way (ANT/226/4) runs to the south and east of the site.

## **PLANNING HISTORY**

16/1226	Unit 16, Earthmovers House, Llantrisant Business Park	Retention of offices, associated car park, new vehicular access and boundary fencing. Construction of new gatehouse.	Pending
16/1222	Unit 16, Earthmovers House, Llantrisant Business Park	Discharge of conditions 3 (drainage arrangements), 4 (details of hardcore materials & tie in details), 5 (wheel washing), 6 (hedgerow & wildlife protection plan) and 7 (scheme of landscaping) of planning application 14/0979.	Withdrawn

16/1220	Unit 16, Earthmovers House, Llantrisant Business Park	Variation of conditions of planning permission 14/0979.	Pending
14/0979	Land at north east corner, Llantrisant Business Park, Llantrisant	Change of use of undeveloped land to a depot for the parking and storage of vehicles and construction plant. Works include erection of security fencing and security cameras.	Granted 07/01/15
14/0284	Land at Tal y Fedw Farm, Llantrisant Business Park	Variation of condition 1 of planning application no. 10/1285 to extend by three years the period within which reserved matters applications may be submitted.	Granted 11/06/14
10/1285	Land at Tal y Fedw Farm, Llantrisant Business Park	Application to vary condition 1(C) imposed on planning permission no. 07/0364	Granted 31/01/11
10/0092	Renal Unit, Llantrisant Business Park, Llantrisant	Proposed erection of a single storey extension to an existing renal dialysis unit with ancillary car parking and vehicular access provision.	Granted 13/04/10
09/1184	Access 34, Llantrisant Business Park, Llantrisant	Change of use from light industrial to facility to recycle waste electronic and electrical equipment.	Withdrawn 11/12/09
07/0364	Land at Tal y Fedw Farm, Llantrisant Business Park	Employment development (outline) including all associated building, engineering operations and landscaping	Granted 22/04/07

## PUBLICITY

The application has been advertised by means of direct neighbour notification, the erection of site notices in the vicinity of the site and a press notice. One letter has been received in relation to the proposal which is summarised as follows:

- Concern is raised with regard to the additional noise and light pollution that any development in the vicinity of our home generates;
- The visual impact of any new development risks being discordant with the landscape, as the existing industrial units are relatively well masked by trees;
- The temporary workshop currently at the site, when viewed from our house, demonstrates the harsh contrast of a building that is unsympathetic to its surroundings without the benefit of significant plan cover;

- Mr Pritchard is aware of the impact his company's behaviour has upon its neighbours and he has reassured me of his commitment to addressing concerns;
- As a result of this highly constructive dialogue and his willingness to address our concerns, we are not objecting to the proposal.

One letter of objection has also been received from an adjoining landowner and is summarised as follows:

- Gates have been erected by Tom Pritchard on land to the west of the Dialysis Centre and it is quite obvious that works are just being carried out as when they like without any prior approval;
- The gates have been erected unlawfully and against a legal document lodged at Land Registry so they cannot be considered under planning and enforcement should be carried out immediately.

## **CONSULTATION**

Coal Authority – no objection, however, an advisory note is suggested.

Countryside, Landscaping and Ecology:–

### Public Right of Way

Public footpath 226 Llantrisant crosses the eastern side of the site from north to south. It is requested that footpath is segregated where it crosses the site by way of fencing or, if this is not feasible, a diversion will be required.

### Ecology

The applicant has proposed to install Heras fencing between the proposed workshop and the existing hedge and the ground levels between the workshop and the hedgerow will not change, therefore protecting the root zone. As such, no objection is raised.

Flood Risk Management – no objection

Natural Resources Wales – the proposed development does not affect matters on our Checklist and therefore do not have any comments to make.

Public Health – no objection subject to standard conditions.

Transportation – no objection or condition suggested.

Dwr Cymru/Welsh Water – no objection subject to a standard condition and advisory notes.

## **POLICY CONTEXT**

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

The application site lies inside the settlement boundary and is not allocated for any specific purpose.

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

**Policy AW2** - supports development in sustainable locations.

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

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

**Policy AW7** – aims to protect and enhance the built environment, including public rights of way.

**Policy AW8** – aims to protect the distinct natural heritage of Rhondda Cynon Taf.

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

**Policy AW11** – discusses the need to maintain employment uses with existing sites, although it allows for changes of use subject to certain criteria.

#### Supplementary Planning Guidance:

Design and Placemaking  
Access, Circulation and Parking

#### National Guidance

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

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

#### Other relevant policy guidance consulted:

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

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

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

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

#### **Main Issues:**

## **Principle of the proposed development**

The application site is located toward the north-eastern corner of Llantrisant Business Park and is situated within the defined settlement boundary of the Southern Strategy Area. It is currently occupied by Tom Pritchard (Holdings) Ltd and consists of a depot for the parking and storage of vehicles and construction plant (planning approval 14/0979). The proposal would result in the expansion of the existing business through the provision of a new vehicle workshop and fuelling station, therefore providing considerable employment opportunities in the area. The site has a clear relationship with the existing business park with access provided via the main arterial route through the estate which connects to the A4119 and wider south Wales area. The principle of the proposal is therefore considered to be acceptable, subject to the consideration of further criteria set out below.

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

The application site has been subject to some significant changes since the approval of the initial application for the change of use of the land to a vehicle depot (14/0979). It was previously an undeveloped parcel of land which was predominantly covered with vegetation and enclosed on all four sides by established trees and hedgerows. However, the site has since been cleared (with the exception of the far northern boundary hedgerow) and is now occupied by a number of vehicles and construction plant along with the offices, associated car park and boundary fence (subject to separate planning permission ref: 16/1226).

The proposed workshop would form a large and visible addition to the surrounding area however it is not considered that it would be inappropriate given the extensive size of the application site. It would also be viewed in context with the wider Llantrisant Business Park which is characterised by other large industrial-style buildings and it is therefore not considered that the workshop would appear to be an overly prominent addition.

Whilst it is acknowledged that open countryside lies immediately to the north and east of the site, the area immediately adjacent to the northern boundary currently benefits from outline planning permission for the development of the land for employment/industrial purposes (Planning Ref: 14/0284). In addition to this, the northern and eastern boundaries of the site are relatively well screened by a mature hedgerow/trees and undergrowth and it is therefore not considered that the visual amenity of the residential properties to the north-east would be unduly or unacceptably harmed by the proposed development.

Taking the above into consideration, it is not considered that the proposal would have an adverse impact on the character and appearance of the surrounding area and the application is therefore considered to comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan in this regard.

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

The nearest neighbouring residential properties to the site are located at a higher ground level to the application site and it is acknowledged that the proposed development may be visible from these properties. Two letters have been received from nearby residents that raise some concern in relation to the potential for



additional noise and light pollution and the visual impact of any new development which poses a risk of being discordant with the landscape. Whilst these comments are appreciated, a temporary workshop currently occupies the site (to be replaced with the permanent workshop structure) with a vast number of vehicles/plant equipment already being stored in the plant yard. Whilst it is understood that the site would be used 24 hours a day and 365 days a year, the site already operates on this basis. As such, it is not considered that the provision of the workshop and fuelling station would significantly or unacceptably increase the level of noise/light over and above that which currently occurs.

Furthermore, given that the workshop and fuelling station would be sited at least 165 metres away and would be viewed in context with Llantrisant Business Park, it is unlikely that they would have an unacceptable impact on the residential amenity of those properties. In addition to this, it is noted that the northern and eastern boundaries of the site are relatively well screened by a mature hedgerow and trees and undergrowth which would form a positive buffer and significant screen between the site and the development.

It is acknowledged that Llantrisant Dialysis Centre is located immediately adjacent to the south-western boundary of the site and, given the very nature of the use of this building, there is some concern that the location of the workshop would impact upon the amenity of this building. However, the location of the Dialysis Centre has an unusual setting on an established industrial estate and the users of the facility would therefore be accustomed to the commercial activities and vehicle movements which already take place. There is an existing industrial unit of quite a considerable scale immediately to the west of the Dialysis Centre and therefore it is not considered that the proposal would have such an unacceptable impact on the amenity of the Dialysis Centre that it would warrant the refusal of the application.

Overall, it is not considered that the proposal would have an unduly harmful impact upon the residential amenity and privacy of the nearest neighbouring properties or upon Llantrisant Dialysis Centre. The application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on highway safety and parking**

The Council's Transportation Section has been consulted on the application and it is noted that no objection is raised to the proposal. This view acknowledges that the application site is served off the existing estate access road with the access to the proposed development already benefiting from planning permission (ref. 14/0979). The proposed workshop and fuelling station would be located within the development site and the proposed works would therefore not have any further impact on the highway network.

As such, the proposal is considered to be acceptable in terms of the impact it would have on highway safety and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**Other:**

**Ecology**

It is noted that the proposed workshop would be sited 2 metres away from an existing hedgerow which forms the northern boundary of the site. Concern has been raised by the Council's Ecologist that the root zone of the hedgerow would be affected by the implications of ground level changes. However, the applicant has proposed to install Heras fencing between the proposed workshop and the existing hedge and the ground levels between the workshop and the hedgerow will not change. This would protect the root zone of the hedgerow and the proposal is therefore considered to be acceptable in this regard.

### **Public Right of Way**

A Public Right of Way (ANT/226/4) runs to the south and east of the application site and comments have been received from the Council's Public Rights of Way Officer which raise concern with regard to the impact the proposed works would have on the Public Right of Way. The Public Right of Way Officer notes that the footpath would cross a service yard and that such activities may cause danger or nuisance to users of the footpath. It is therefore requested that the footpath is segregated where it crosses the site by way of fencing. If this is not feasible, a diversion would be required.

The comments received from the Public Rights of Way Officer are appreciated however the section of the site which is in closest proximity to the Public Right of Way has not been included in this application. It is noted the works to that particular section of land were approved under the original planning application (ref: 14/0979) for the change of use of the land to a depot for the parking and storage of vehicles and construction plant. The application noted that the path appeared to be unaffected by the proposed works and that the applicant was fully aware of the status of the Right of Way.

Consequently, the works proposed under the current application would be sited at least 32 metres away from the Public Right of Way and would therefore have no impact on users of the footpath. An advisory note informing the application of the Public Right of Way is therefore suggested.

### **Public Health**

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested are not considered necessary. Appropriate advisory notes are considered to be sufficient in this instance.

### **High Coal Risk Area**

The application site has been identified as being within a High Coal Risk Area and the application is therefore required to be accompanied by a Coal Mining Risk Assessment. The Coal Authority has been consulted on the contents of the assessment received with no objections being received in relation to the proposal. Notwithstanding this, an advisory note has been recommended to inform that applicant of the Coal Authority contact details should any mining features be encountered during development.

## **Drainage**

Consultation has been undertaken with the Council's Land Reclamation and Engineering Section and Welsh Water with a view to assessing any potential impacts upon land drainage. The responses received raise no objection to the proposal, however, this is subject to the drainage arrangements detailed within the amended plans submitted being implemented on site. A condition is therefore recommended accordingly.

## **Concerns raised by objector**

The objector indicates that the applicant for this application has erected a gate on land to the west of the Dialysis Centre and that this now prevents access to the site to the north. Whilst this issue is acknowledged, it is important to note that the grant of planning permission does not affect rights of access over land and the issue cannot be used as a reason to refuse planning permission. The objector would therefore be advised to seek legal action outside of the planning process.

It is understood that the applicant initially intended to include the gates in the application for the retention of the offices etc (ref. 16/1226), however it was subsequently confirmed that a separate application would be submitted so as not to hold up the determination of the current applications. The application for the gates had not been received at the time of writing this report and the issue is currently being dealt with by the Enforcement Section.

The objector also raises concern that the site has already been largely developed without the benefit of planning permission and whilst it is agreed that the situation is not ideal, it cannot be used as a reason to refuse planning permission. In such instances where works have been carried out without planning permission, the developer must be given the opportunity to apply for planning permission retrospectively before any enforcement action is taken.

## **Community Infrastructure Levy Liability**

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

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

## **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality, upon the residential amenity of the surrounding neighbouring properties or upon highway safety. As such, the application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

## **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to the this consent:
- Drawing No. 1042-03(H): Proposed Site Plan (Received: 06/06/17);
  - Drawing No. 1042 -209(B): Detail A (Received: 20/06/17);
  - Drawing No. 1042-201(A): Location Plan (Received: 21/12/16);
  - Drawing No. 1042-206(B): Workshop Elevations (Received: 21/12/16);
  - Drawing No. 1042-207(A): Proposed Fuelling Station (Received 15/11/16);
  - Drawing No. 1042-208(A): Workshop Cross Section (Received 15/11/16);
  - Drawing No. 1042-204: Cross-Section A-A (Received 15/11/16);
  - Drawing No. 1042-205: Workshop Layout (Received 15/11/16).

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

3. The drainage scheme shall be implemented on site in accordance with the plans and details received by the Council on 3<sup>rd</sup> October 2017:
- Drawing no. 1042-03I: Proposed Site Plan;
  - Drawing no. 1042-55B: Detail 'C' Fence Detail to Boundary at West End;
  - Document no. 1042\_SDC\_A: Storm Drain Calculation.

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

4. The hedgerow to the northern boundary of the site shall be protected in accordance with the plans and details received by the Council on 20<sup>th</sup> June 2017 unless otherwise agreed in writing by the Local Planning Authority:
- Drawing no. 1042-209B: Detail 'A' Showing Relationship of Proposed Workshop Building and Existing Boundary.

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

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**APPLICATION NO:** 17/0462/10 (HL)  
**APPLICANT:** Davies Homes Limited  
**DEVELOPMENT:** 9 new residential dwellings with garage and associated works together with the replan of Plot 37 on the previously approved development Ref: 14/1283/10 (Ecological information received 04/09/17, amended layout and housing number plans received 09/10/17)  
**LOCATION:** LAND TO THE NORTH OF NANT ARIAN, CHURCH VILLAGE  
**DATE REGISTERED:** 03/05/2017  
**ELECTORAL DIVISION:** Church Village

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**RECOMMENDATION:** Approve

**REASONS FOR RECOMMENDATION:**

The proposed development presents an opportunity to maximise the potential of a development currently underway through the addition of nine new dwellings on land immediately adjacent to the existing development site. The proposed development is compliant with planning policy and is acceptable with regard to all other material planning considerations and would contribute to addressing the Council's housing land supply shortage.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to Service Director Planning.

**APPLICATION DETAILS**

Full planning permission is sought for the development of nine new dwellings and the redesign of one previously approved dwelling on land to the north of the residential housing estate Maes Yr Eglwys and a new housing development known as Nant Arian (which is currently under construction) in Church Village.

The development would comprise the provision of two No. two bedroom dwellings; two No. 4 bedroom dwellings and six No. five bedroom dwellings arranged in a T shape design. The properties proposed for plots 1-8 would be detached, would benefit from front and rear gardens and at least three parking spaces per property (driveway and garage spaces). The two, two-bedroom units (plots 37 and 38) would be semi detached and would benefit from an enclosed rear garden and two off street parking spaces each.

It is proposed that the dwelling approved for plot 37 (three bed, two storey) be replaced with a four bed, two storey dwelling, turned through 90 degrees from its approved position, to be back to back with the properties in Maes Yr Eglwys.

With regard to external materials, a mix of facing brick; grey concrete roof tiles; and uPVC windows and doors are proposed to match the properties under construction in the adjacent Nant Arian development.

A timber, crib lock retaining wall with a maximum height of 6m would be provided to the rear of plots 2-7.

Access to the development would be via St Illtyds Road and Maes Yr Eglwys and the internal estate road that serves the wider Nant Arian estate, which was approved as part of application 14/1283/10. The estate road would be altered and extended to serve the units proposed, with private shared accesses leading from the new, centrally positioned turning head to serve 3 dwellings to the left (plots 2-4) and one dwelling to the right (plot 8).

The application is accompanied by the following:

- Coal Mining Risk Assessment;
- Tree Survey;
- Ecology Appraisal;
- Dormice survey; and
- Design and Access Statement

## **SITE APPRAISAL**

The application site comprises an irregularly shaped, undeveloped, parcel of land with an area of approximately 0.59 ha, located to the north of a housing development that is currently under construction (application 14/1283/10 refers). The site is unallocated but positioned within the settlement limits as defined by the Rhondda Cynon Taf Local Development Plan.

The site is entirely enclosed and slopes from north to south in a manner that is steep in places. The surrounding area is overwhelmingly residential in character with residential development on three sides of the site - Maes Yr Eglwys and Nant Arian to the south, Llanberis Close to the east and The Rectory and properties along Church Road to the north. St Illtyd's Church and The Farmers Arms Public House are located to the west of the site. The neighbourhood is characterised by properties of varying age and type ranging from traditional stone built workers cottages through to large modern detached family homes. There is consequently no overriding design theme in the area though the nature of development is largely conventional two storey construction with additional rooms occasionally worked into roof space.

St Illtyd's Road to the south-west provides the nearest bus stops.

## **PLANNING HISTORY**

The following history reflects planning applications relevant to the development site itself and the adjacent site

14/1283/10	Construction of 50 new build residential dwellings with garages and associated works	Approved 29/12/2014
06/1431	Residential development for 44 dwellings	Approved 19/02/07
06/1250	Redevelopment for Housing (outline application)	Withdrawn

03/1547                      Redevelopment for Housing (outline application)                      Approved  
16/12/04

## **PUBLICITY**

The application has been advertised by direct neighbour notification and the erection of site notices. Nine letters of objection and representation have been received and are summarised as follows:

### **Design:**

- Development in the grounds of a listed building would not be in keeping with the setting and may result in overdevelopment.

### **Residential amenity:**

- The application site rises steeply and is significantly above the existing dwellings.
- Building substantial properties directly behind the existing houses will severely impede on privacy with the rear elevation and back gardens being overlooked by the houses and access.
- At present there is screening behind the boundary fence, provided by tree cover. The development will impact on these trees Request that the height of the boundary fence be raised and replacement tree screening is introduced.
- Measures must be taken to ensure privacy is maintained during development.
- The incline up the driveways especially to plot no.8 may cause headlight beams to shine directly in homes.
- The rear garden of 27 Maes Yr Eglwys is already enclosed by the house, garage and church yard trees. Developing to the rear of my property will result in a loss of natural light.
- The distance between existing and proposed dwellings should be reviewed.

### **Infrastructure:**

- The village does not have the infrastructure in place to sustain more houses and cars.
- The increase in houses by 8 will mean at least 16 more cars. The roads are unsuitable to deal with all the traffic.
- With only one entrance to the estate, the increase in traffic and congestion will present a number of dangers to the children who live on the estate.
- Our local schools are not big enough, there are not enough places for the children at the moment.
- The village requires more schools and doctors surgeries not houses.
- Our infrastructure is weak in regards to public transport and the options available for commuters. Our local train service is Treforest which doesn't have enough parking for us to use public transport.

### **Surface water:**

- There is considerable surface water run off from the site down to the rear of the properties in Maes Yr Eglwys. This is currently dealt with by a french drain to the rear of each property. Any development must ensure that during and after construction, no excess water is passed onto the land of these dwellings, so as not to exceed the capacity of the systems.
- The land currently allows for some natural soakaway. Given the elevation that the road would be at, in the event of heavy rain any excess run off from the asphalt

would be in the direction of my property. This would potentially lead to flooding at the rear of my house.

**Trees:**

- The Oak trees on the site are protected by a preservation order.
- The Oak tree, T7, is to be removed. I am of the opinion that this tree has only been earmarked for removal because it is in the way of the access road. Although it did suffer damage in the construction of the previous Maes Y Ceffyl (sic) development, over the last 7 years it has recovered considerably.
- Removing the oak tree will detrimentally affect soil drainage by adding to the water content of the soil and exacerbating the already terrible soil conditions, potentially leading to flooding.
- The change in the water table caused by the removal of the tree and removal of the roots which contribute to soil stability. This could lead to subsidence of properties and land slippage in the near vicinity.
- The larger older trees on the site should be left untouched to aid wildlife, drainage and privacy

**Landscaping:**

- There is evidence of Japanese Knotweed on the land.
- The Developer has been left to cut down established greenery unnecessarily. These shrubs would have provided a good bird habitat and a good screen from the view of the property they intend to build.

**Wildlife and Ecology:**

- The site is a haven for wildlife and is well used by numerous bird species on the RSPB Birds of Conservation Concern redlist such as Thrushes, Sparrows and Starlings etc.
- The development will result in loss of habitats. Although bird boxes may be provided, they will not counter balance the loss of habitat and will not provide suitable nesting sites for each of these birds. Substantial areas of natural land should be retained as part of the development to ensure that breeding and feeding grounds are maintained.
- The land offers habitat for voles and field mice which are a food source for owls which contribute to the ecology of the area.
- Dormice have been seen in the vicinity. The application site could be a possible habitat. Survey work should be undertaken to determine their possible presence.
- The development would destroy the countryside and habitats of the squirrels and the birds who nest in these fields. All the building in the village is destroying the wildlife.
- Great Crested Newts have been seen in the gardens of the properties next to the site.

**Safety and Security:**

- The road will severely diminish security by providing easy access to the rear of my property. Request that the developers increase the height of the boundary fence and provide thorny planting adjacent.
- The road directly behind my boundary could result in vehicles breaching the boundary. Request that speed limiting features are incorporated within the design of the road and implemented.

**Noise and Disturbance:**



- Given the elevation of the land, the sound of the machinery will reflect back from the hill and will amplify the noise from construction vehicles. This will adversely affect my quality of life. Request that construction noise must be constantly monitored.
- Disturbance has been experienced over the last few years with the building of Nant Arian. This will increase if this application goes ahead, the noise pollution will intensify.

## **CONSULTATION**

Highways & Transportation – no objections subject to conditions.

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

Public Health & Protection – no objections subject to conditions with regards to demolition; hours of operation; noise; dust; waste; and temporary lighting.

Natural Resources Wales – raise no objection.

Dwr Cymru/Welsh Water – no response received within the statutory consultation period.

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

Wales & West Utilities – no response received within the statutory consultation period.

Countryside, Parks & Open Spaces – The Ecological surveys submitted provide a habitat assessment and context in relation to potential for bats, otters, water voles, dormice, reptiles, amphibians and birds. The documents strongly indicate that for reasons of past use, and isolation from wider countryside, the potential for dormice to use this site is low and probably very low.

Housing Strategy – the property types are acceptable and the provision of two parking spaces per plot is ideal given the nature of the client group.

Structural Engineer - conditions recommended with regard to ground investigation report and design calculations and details for all retaining walls.

Glamorgan Gwent Archaeological Trust – the information in the Historic Environment Record curated by this Trust shows no recorded archaeological features within the area of the proposed development. There is unlikely to be an archaeological restraint to the current proposal and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

Coal Authority - raise no objection. The content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of PPW.

## **POLICY CONTEXT**

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

**Policy CS2** - sets out the strategy for the southern area of the County Borough with an emphasis on sustainable growth.

**Policy CS4** identifies the housing requirement figure for the plan period.

**Policy CS5** identifies the affordable housing figure requirement over the plan period.

**Policy AW1** Identifies how the housing requirement figure will be met including through the allocations in the Local development Plan

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

**Policy AW4** Identifies that the Council may seek Planning Contributions on development proposals.

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

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

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

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

**Policy SSA11** - Identifies a housing density requirement for the southern strategy area at a minimum of 35 dwellings per hectare.

**Policy SSA12** - Identifies a requirement for the provision of 20% affordable housing for the southern strategy area.

**Policy SSA13** - Supports development within defined settlement boundaries.

The following Supplementary Planning Guidance documents are also applicable,-

- Access, Circulation and Parking;
- Planning Obligations;
- Design and Placemaking;
- Affordable Housing; and
- Employment skills training plan

## **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 9, November 2016) Chapter 2 (Local Development Plans); Chapter 3 (Making and Enforcing Planning Decisions); Chapter 4 (Planning for Sustainability); Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

## Manual for Streets

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

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

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

#### **Main Issues:**

The application proposes the development of nine new dwellings and alterations to a previously approved property on an irregularly shaped parcel of land positioned to the rear and north of the residential properties in Maes Yr Eglwys and the Nant Arian development which is currently under construction; to the south and rear of the Vicarage and the residential properties along Church Road and to the west and rear of the properties in Llanberis Close, Church village. The site is located inside of the defined settlement limits as defined by the Rhondda Cynon Taf Local Development Plan (LDP) and within an established residential area. As such, the key considerations with regard to the determination of this application are: the principle of development; impact of the proposed development on the character and appearance of the surrounding area; impact on the residential amenities of neighbouring properties and highway safety.

#### **Principle of development**

The application site lies within settlement limits and is not allocated within the Local Development Plan for any specified use. In such circumstances residential development would usually be considered acceptable subject to the proposals being able to demonstrate compliance with the planning policies that would affect the proposed development

One of the key requirements of policy is that residential development in the southern strategy area should achieve a density of 35 dwellings per hectare. The current proposal would deliver a density of only 17 dwellings per hectare. However, the proposed layout and density of provision has been limited by the gradient and topography of the site and a number of mature and protected trees on and surrounding the site which has reduced the developable area. In this instance it is considered that the proposed density is acceptable in planning policy terms.

Another key requirement of planning policy is that the site should deliver 20% affordable housing and the current proposal achieves this target, delivering the required number of dwellings at a housing and tenure mix acceptable to the housing strategy team.

A further policy consideration is that the site lies close by an air quality management area however the limited number of housing units along with the fact that the Public Health and Protection division have not raised this as an issue makes the current proposal acceptable.

In conclusion on this issue it is considered that the proposed development is planning policy compliant in respect of Local Development Plan policies CS2, CS4, CS5, AW1, AW2, AW8, AW10, SSA11, SSA12 and SSA13 inasmuch as the issues outlined above relate to those policies and is considered policy compliant against these tests and the broader requirements of Planning Policy Wales.

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

With regard to the impact of the proposal on the character and appearance of the area, it is considered that the redevelopment of the site for residential purposes would be in keeping with the existing residential character of the area.

The proposal would lead to the development of 10 homes of varying size, mass and design, similar to those currently being built as part of the Nant Arian development. Although the proposed houses present variety in design they are in no way untypical or at any great variance to those in the wider locality in terms of their siting, appearance, scale, height, massing or elevational treatment.

Public concerns have been raised with regard to the potential for overdevelopment of the site and the development being within the grounds of a listed building. Although the majority of the properties proposed are large, it is considered that sufficient space is retained around each dwelling to off set the building and prevent the appearance of overdevelopment. Whilst the land would have originally been associated with the Vicarage, the site is positioned outside of the curtilage of the property. Being mindful of the hedge that would be retained between the proposed development and the Vicarage, in association with the significant change in levels, it is considered that the proposal would not have a detrimental impact on the appearance or setting of the listed building.

The plans submitted indicate that the proposed properties would be positioned, at their greatest 3.5m above the levels of the properties in Maes Yr Eglwys and those under construction. As a result of the topography, the developer has indicated areas of excavation and the subsequent provision of a timber crib lock retaining wall to the rear of plots 2-7 to retain the land associated with the Vicarage and car park to the north. At its greatest the wall would measure 6m in height. Although the extent of the structural works is substantial, it is considered that the structure would be screened from general view by the houses and garages proposed. Concerns have been raised with regard to the finished floor level of the scheme and its impact on the residential amenity of those closest to the site. Notwithstanding that lowering the finished floor levels of the development further would have consequences in terms of the need to enlarge the retaining wall, which would in turn could have an impact on the amenity of the proposed dwellings, the developer has requested that the application be considered and determined on the basis of the current submission.

Whilst the finished floor levels of the site are raised relative to the existing dwellings to the south, it is considered that sufficient distance would be maintained between the properties to offset the arrangement and prevent the proposal from having a detrimental impact on the character and appearance of the area.

On the whole, it is considered that the overall arrangement and appearance of the development would represent an acceptable fit with the wider neighbourhood and is considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

As specified above the area within which the application site is located is positioned on a slope falling from north to south. As a result the site is significantly below the level of the properties along Church Lane to the north and is raised in relation to the existing and new dwellings to the south and east of the site. Although the properties proposed are large in their overall size and scale, it is considered that the position and orientation of the site and dwellings would prevent the proposal from generating a level of overshadowing or loss of light detrimental to the residential amenity of those living closest to the site to a point where a refusal of planning permission could be justified.

The majority of the proposed dwellings (units 2-8) have been designed to face south over the existing properties in Maes Yr Eglwys and those currently being constructed. The site layout plan submitted indicates that a minimum distance of 20m would be maintained between the front elevations of the proposed dwellings and the rear elevation of the existing properties in Maes Yr Eglwys. However, due to the topography, the proposed properties would be positioned at a higher level than the existing dwellings which in turn could exacerbate the perception of overlooking and reduce the impact of the distances maintained. Understandably, being mindful of the existing undeveloped nature of the site, issues relating to loss of privacy and amenity are a significant concern for neighbours. Being mindful of the number of immature, self seeded trees to the rear of the properties of Maes Yr Eglwys that would need to be removed, in association with the levels of the site and the separation distances to be provided, the developer has indicated the provision of a landscape buffer (details of which are to be agreed) between the existing and proposed properties to enhance privacy and limit the opportunities for overlooking.

Whilst it is acknowledged that the development proposed would be a significant change for existing residents, and as such could have an impact on amenity, being mindful of the distances maintained and landscaping that could be provided, it is considered that the impact of the development would not be so significant to warrant refusal of the application on such grounds.

In light of the above, the application is considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and is compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

## **Access and highway safety**

The plans as submitted detail that access to the site would be gained via an extension to the estate road approved as part of application 14/1283/10. There would be no alteration to the existing junction with the county highway. Following public consultation, concerns have been raised that the village does not have the infrastructure (including public transport) to sustain more houses and cars; the roads are unsuitable to deal with all the traffic and that with only one entrance to the (wider) estate the increase in traffic and congestion and will present a number of dangers to the children who live on the estate. As part of application 14/1283/10 the Highways and Transportation Section confirmed that the estate road, is capable of accommodating more than the amount of dwellings existing and proposed at that time.

Following consultation, the Highways and Transportation Team have raised no objection to the current application and have provided the following information:

*"The access road from Maes-Yr-Eglwys / Nant Arian has a carriageway width of 5.5m and incorporates a raised junction plateau traffic calming feature to restrict vehicle speeds to 20mph and allow a reduced vision splay requirement of 2.4 x 22m at the junction. Traffic calming consisting of sharp road alignment and raised carriageway / plateaus to constrain vehicle speeds are incorporated into the design of the access road Nant Arian which was approved as application 14/1283 and subsequent highway agreement.*

*The application proposes removal of the turning area approved by application 14/128 to facilitate extension of the access road, between plots 32 and 37, a distance of approx 35 m where a new turning head is to be provided at the end of the site access road. The proposals include changes to reconfigure plot 37 to reflect the amended road layout and accommodate two affordable dwellings numbered plot 37 and 38 and the adjacent plot shown as Plot 1. The turning head is to be relocated adjacent to plot 37/38 and driveways and private shared access are extended to meet the amended access road. These changes have no detrimental impact in terms of access and circulation and are therefore acceptable.*

*Four of the proposed dwellings would be served off the extended access road and turning head with private shared accesses leading from the turning head to serve 3 dwellings to the left and one dwelling to the right.*

*The proposed turning head measures 40m by 5.5m with 2m wide footway to cater for pedestrian movement and is acceptable to cater for the turning movements of cars, emergency and service and delivery vehicles.*

A private shared access is proposed to serve plots 2-4 with access to the off road parking for plot 4 from the turning head. The proposed private shared access serving plots 2-4 is 49m long and 4.8m width to allow cars to pass on the curving alignment. Turning facilities are available to the front of off-street parking spaces serving plots 2 and 3 and therefore and therefore the proposed arrangement is considered acceptable.

*Bin storage facilities for the temporary storage of refuse and recycling bins awaiting collection are shown on the submitted plan. The facilities shown should be located closer to the proposed highway, however there is sufficient space available and the position can be agreed as part of the approval of the detailed design and can be conditioned accordingly.*

*The proposed changes to the estate access road will not have a detrimental impact on the access road serving previously approved dwellings.*

*The proposed parking provision is in accordance with the requirements of the Council's SPG Access, Circulation and Parking (March 2011)."*

The Highways Engineer concludes that subject to the imposition of conditions, the proposal would have an insignificant impact on highway capacity and provides satisfactory access, parking and circulation arrangements.

Whilst it is appreciated that the proposal would generate an increased number of vehicles movements to and from the site, it is considered that the increase would be minor in scale and as such the development would not have a detrimental impact on highway safety and free flow of traffic in the area. The application is therefore considered compliant with the relevant criteria of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## **Other Issues**

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

### Ecology

Due to the current overgrown, undeveloped nature of the site, it is well used by local ecology. An initial Ecological survey of the site carried out by an appropriately qualified Ecologist has provided the following information:

*"The habitat on site is primarily of low conservation value and is dominated by scrub and few flowering plants. The scrub habitat of the site is dominated by bramble in most cases with additional hawthorn and blackthorn with occasional plants of goat willow. The scrub has taken over as management of the area has ceased and is of local conservation value as it provides food and nesting opportunities. There are some good quality trees on the southern boundary the trees on site are mature and are good for nesting birds and foraging wildlife. The habitats on site are assessed to be of local value*

### *Bats*

*Suitable habitat for foraging bats is present on site within the site footprint and immediate areas surrounding the site. The site does contain features suitable for roosting bats for permanent occupation. Several trees on site provide opportunities for bats as they have cavities, splits and cracks. The main trees suitable for bats are located on the southern boundary. The scrub on site and the mature trees make good foraging habitat and has the potential to hold good numbers of common bat species.*

### *Badgers*

*Potential evidence of badger has been recorded on site (mammal run) on the eastern part of the site although no setts have been recorded on site and none were recorded on the phase 1 site next door. As was the results for the phase 1 site the site is not considered to be a critical foraging resource for badgers but suitable areas for setts do exist on site especially in the north east of the site. The site is considered to of low value to badgers.*

### *Otter and Water Vole*

*The site provides no habitat or resources suitable for otter or water vole and therefore they will not be discussed further during this assessment.*

### *Dormouse*

*The site provides no habitat suitably connected and only limited resources suitable for dormouse and therefore they will not be discussed further during this assessment.*

### *Reptiles*

*The site provides moderate opportunities for reptiles but given the amount of scrub encroachment in the main part of the site these opportunities are reducing year on year.*

*However, there is still sufficient suitable habitat for reptiles to persist on site. The site is assessed to be of moderate potential for reptiles.*

### *Amphibians*

*Suitable habitat was not identified on site during the survey for breeding amphibians. The terrestrial habitat does have the potential to support low numbers of amphibians as was the case for the phase 1 part of the site but the site is not assessed as being a critical resource for amphibian species. The value of the site for amphibians is low.*

### *Birds*

*There are opportunities for nesting and foraging birds throughout the site within the trees, and scrub and on the grassland. The mature trees on the southern boundary are patches of dense scrub has the ability to hold low numbers of common bird species. The site is assessed to be of moderate potential for common bird species."*

The overall conclusion from the survey is that the site is of local value to wildlife species and groups and that the habitat on site is considered to be of local value. Therefore any development should retain some of the local wildlife interest and add some wildlife enhancement to allow wildlife to persist within the local area and link to the retained features within the phase 1 development to the south.

Following a further survey of the site with specific regard to dormice, it was concluded:

*"The site does have resources that could be utilised by Dormice but the relatively recent nature of the habitat and the lack of connectivity and isolation for incoming Dormice or dispersing Dormice means that the site is untypical of habitats which are known to support Dormice populations either in the short or long term. However, other more terrestrial mice and vole species could survive and persist in such habitats and make use of the onsite resources. Therefore it would not be uncommon to see other such species on site such as vole and mice species which are more likely to be seen during the daytime than nocturnal species such as Dormice."*

Following consultation, the Council's Ecologist has advised that the documents received are sufficient and provide an acceptable assessment of the habitat potential of the site. As a result subject to the imposition of the conditions relating to mitigation and enhancement, the application is considered compliant with the relevant requirements of policy AW10 of the Rhondda Cynon Taf Local Development Plan.

### Landscaping and trees

The site does contain a number of mature and semi-mature trees. The trees in the south-eastern corner of the plot (referenced T4, T5 and T6 on the tree constraints plan) are protected by a Tree Preservation Order. The site and trees have been surveyed by an appropriately qualified Arborist with a summary report and plan submitted in support of the application. The details submitted indicate that the trees



protected by the Preservation Order do require some remedial work to remove deadwood, and damaged branches. Three of the trees -T7 (oak to the rear of Maes Yr Eglwys) G8 (group of Goat Willow to read of Maes Yr Eglwys) and T10 (oak in the south-western corner) have been identified for removal. T7 and T10 are identified as being notable specimens of reasonable/ variable form. However, both are suffering from massive die-back in the upper crown and as a result are in a deteriorating condition making them unsuitable for retention. The group of goat willow has been identified as being of poor physical condition and form, and is liable to collapse. Whilst the loss of the oak trees is regrettable, in this instance being mindful of their structural condition, their removal is considered acceptable on the grounds of health and safety. It is also considered that the landscaping buffer proposed adjacent to the southern boundary would help compensate for the loss of the group of goat willow.

An objector to the application has identified that there is Japanese Knotweed on the site. Whilst this was not identified as part of the Ecological survey, one schedule 9 montbreia was identified. The presence of nuisance vegetation cannot prevent the determination of this planning application. However, if Members are of a mind to support the current proposal then it can be appropriately conditioned to properly address the issue of any nuisance vegetation on this site.

#### Public Health & Protection

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal. However, a number of conditions/ informative notes relating to the potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application have been recommended. Whilst it is inevitable that any development of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that matters such as demolition, noise, dust, disposal of waste and lighting can be more efficiently controlled by other legislation with an appropriate Informative being added to any permission notifying the applicant / developer of the need to comply with legislation.

#### Affordable Housing

The details submitted indicate that the pair of semi-detached dwellings on plots 37 and 38 would be made available as Low Cost Home Ownership properties. Following consultation the Authority's Housing Strategy Officer has advised that the property types proposed are acceptable and that the provision of two parking spaces per property is ideal given the nature of the client group. The Housing Strategy Officer has requested that the properties are made available for sale to first time buyers at 65% of market value of this area, as agreed on the adjoining and adjacent development, and in line with the Local Housing Market Assessment evidence which concludes that a 70-30 ownership split in this area would not be affordable for first time buyers on the housing needs register.

In light of the consultation response received, the application is considered compliant with the requirements of policies CS2, CS5 and SSA12 of the Rhondda Cynon Taf Local Development Plan. The developer will be required to enter into a Section 106 legal agreement to secure and retain the tenancy of all the units as affordable housing. Following discussions, the developer has confirmed that they would be willing to enter into such an agreement.

### Surface water run off

Neighbours to the site have identified that surface water from the site currently leaches into their gardens and has to be dealt with by a french drain. Development of the site will inevitably reduce the area available for natural soakaway. However, as part of the construction, the developer would be required to provide appropriate surface water drainage. Given the gradient of the site it is likely that the southern edge of the private drive serving plots 2,3 and 4 is likely to be finished with a kerbed edge. This in association with the new landscaped area should help reduce opportunities for surface water to enter the gardens of Maes Yr Eglwys.

### Education

An objector has raised concerns that the schools in the area are unable to accommodate the additional children generated by this and other developments in the area. As part of the application for the adjacent site, the Education Department raised no objection to the application and received a sum of money by way of a Section 106 agreement to mitigate the impact of the proposed development on schools in the locality. In this case the developer is liable to pay a Community Infrastructure Levy charge (details of which are provided below), part of this levy will be used towards improving educational facilities.

### **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. 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 (including indexation) for this development is expected to be £163,355.056. However, social housing relief may be claimed on the social housing element of the development.

### **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.

In this case the developer will be required to enter into a Section 106 agreement to provide:

- To retain the relevant dwellings as LCHO properties in perpetuity.

It is considered that this requirement meets all of the above tests and is compliant with relevant legislation.

### **Conclusion**

As outlined above the application is considered to comply with the relevant policies of the Local Development Plan representing as it does acceptable residential development within the settlement limits of Church Village. The proposal is considered acceptable in all other key areas such as its impacts on the character and appearance of the area, privacy, amenity and the highway network and Members are consequently recommended to approve the proposal subject to conditions and the requirements of the Section 106 agreement set out above.

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

- DH/NS2V/100 site location
- DH/NS2V/100 Rev D
- DH/NS2V/120 Rev C
- DH/NSCV/RAD
- DH/NSCV/5B1
- DH/NSCV/LLA
- DH/NSCV/2BA
- DH/NSCV/DG1
- DH/NSCV/SG1

and documents:

- Tree Survey dated 05/07/2016;
- Coal Mining Risk Assessment dated 20/04/2017;
- Ecological Appraisal dated 03/08/2017;

- Dormice Appraisal; and
- Design and Access Statement.

received by the Local Planning Authority on 21/04/2017 and 04/09/2017 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

4. Prior to the commencement of development full design details and structural calculations for all retaining walls shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the structural stability of the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

Reason: To ensure that the new development will be visually attractive in

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

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

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the commencement of any works on site the developer shall submit a tree maintenance and management plan to be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the tree maintenance and management plan.

Reason: In the interests of maintaining a high standard of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

11. Notwithstanding the submitted plans, no works shall commence on site until full engineering design and details of the internal road layout including; street lighting, storage of bins awaiting collection, surface water drainage and highway structures together with longitudinal and cross sections have

been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering details to the satisfaction of the Local Planning Authority.

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

12. Access, parking and turning facilities shall be in accordance with the submitted layout plan, Drawing No. DH/NSCV/100 Rev D), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate access, turning and parking facilities are provided in the interests of highway safety in accordance with policy AS5 of the Rhondda Cynon Taf Local Development Plan.

13. No HGV deliveries, during construction, shall take place between the hours of 08:00-09:00am and 15:00- 16:00pm Monday to Friday, unless otherwise agreed in writing by the Local Planning Authority.

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

14. The Developer should provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:-

- a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
- b) Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
- c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
- d) Local and national cycle routes; and
- e) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Prior to the first beneficial occupation of the dwellings hereby approved, details of ecological mitigation and compensation, in line with the recommendations of the Ecology Assessment dated 03/08/2016 shall be submitted to and approved in writing by the Local Planning Authority. All approved measures shall be implemented within 8 weeks of the date of approval.

Reason: In the interests of the interests of ecological mitigation, compensation and enhancement in accordance with the requirements of policy AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 17/0614/10 (GH)  
**APPLICANT:** Photo-Me International Plc  
**DEVELOPMENT:** Installation of a modular self-service launderette facility within the demise of Texaco Petrol Station (retrospective).  
**LOCATION:** CLEARWAY TEXACO PETROL STATION, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2HA  
**DATE REGISTERED:** 27/09/2017  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION:** Approve

**REASONS FOR RECOMMENDATION:**

The self service launderette facility is, in terms of its appearance and in principle, considered to be an acceptable ancillary structure within the forecourt of the Petrol Station and Store, and would provide a useful community facility. Subject to conditions in respect of operating hours and illumination the application would, on balance, not detract from residential amenity to a degree sufficient to warrant a recommendation of refusal.

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**REASON APPLICATION REPORTED TO COMMITTEE**

Four letters of objection from neighbouring residents have been received which, under the Council's Scheme of Delegation, require that the application is presented to Members for determination.

**APPLICATION DETAILS**

Full planning consent is sought to retain the installation of a free-standing self-service launderette facility, at the Clearway Petrol Station, Llantrisant Road, Llantwit Fardre.

The modular unit has been erected within the concrete forecourt of the petrol station and position towards the eastern corner of the curtilage. It is both aligned with the rear boundary and adjacent to a parcel storage facility.

The unit contains two oversized coin-operated washing machines and a tumble dryer, all of which are incorporated within a 4m wide and 2.4m deep silver cabinet. The cabinet is overwritten with price and service details, and has transfers to both of the side windows depicting items of clothing.

In addition it is noted that the majority of the cabinet reaches a height of 2.3m, although a smaller illuminated cube is positioned above and to one side of the structure. This contains logos to each side.

During the consultation period a noise report was commissioned by the applicant at the request of the Public Health & Protection Service, and subsequently submitted for consideration.

## **SITE APPRAISAL**

The application property is a Texaco-branded petrol station incorporating a large forecourt and which contains a Londis shop/kiosk, car wash, parcel pick-up facility and laundry unit. The site is located towards the centre of Llantwit Fardre and within the settlement boundary.

Vehicular access to the site is provided from Main Road (A473), and the site is surrounded by residential properties, with the exception of a restaurant (former public house) to the north-west of the application site.

The closest neighbouring residential properties to where the unit has been located are at Queens Drive to the rear of the site, where a number of dwellings share the boundary with the petrol station. The rear elevation of no.33 Queens Drive is within 9m of this boundary. Other dwellings are at least 26m away on the opposite side of Llantrisant Road.

## **PLANNING HISTORY**

The most recent applications associated with this site are:

11/0028	2 no. internally illuminated single sided poster display units.	Refused 15/02/11
09/0766	Rebranding of existing Texaco illuminated signage consisting of 3 illuminated canopy signs, one totem sign and three forecourt stanchions.	Granted 27/08/09
07/2246	Retention of one internally illuminated double sided pole mounted display unit.	Refused 15/02/08
07/0482	Jet wash facility (Retrospective).	Refused 04/12/07
01/2244	Extend restricted hours of car wash which are currently Mon - Fri 0800 - 1930 Sat, Sun & Public Holidays 0900 - 1300, to new hours of Mon - Fri the same, Sat, Sun & Public Holidays 0900 - 1730.	Refused 15/06/01
98/2026	Various signs (amended plan received 25/02/98 & 26/03/98).	Granted 11/05/98
97/2998	Proposed replacement of car wash with jet wash (amended plans and description received 26/03/98).	17/04/98
95/0067	Proposed Storeroom Extension to replace storage containers (amended plans received 19.4.95).	Granted 23/10/95



## **PUBLICITY**

The application has been advertised by direct notification to thirteen neighbouring properties and notices were erected on site.

Four letters of objection or representation have been received raising concerns about noise, light pollution, smell, rubbish, vibration and property value. These representations are considered further below.

## **CONSULTATION**

Dwr Cymru/Welsh Water - no objection, but a condition in respect of surface water and an advisory note are requested.

Highways - no objections and no conditions are requested.

Drainage - a condition requiring the submission of drainage details is requested.

Public Health - notes concern about noise levels, as represented in the applicant's report, particularly at night.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Llantwit Fardre

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

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

**Policy AW10** - supports proposals that do not harm local amenity because of noise or light pollution

### **National Guidance**

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

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application seeks consent to retain an outdoor self-service launderette module, within the curtilage of the Clearway Texaco Petrol Station.

As far as the Use Classes Order (Wales) is concerned both Launderette and Petrol Filling Station would be classed as sui generis, so the matter for determination is not what might otherwise be considered as a straightforward change of use application.

Therefore, in terms of the principle of the proposal the key concern is whether the installation of the launderette represents an acceptable, additional use of the site, given that the premises already host the kinds of facilities normally associated with a petrol station i.e. a small shop, car wash and air line, as well as a secure parcel collection unit.

Similar launderette units have also been installed in the UK since 2014 and examples can be seen associated with convenience stores and petrol stations, including the first Welsh example at a Texaco garage in Bangor.

Consequently, it is considered that the installation of the launderette would be acceptable as a minor ancillary use of the site and would neither conflict with nor constitute a significant deviation from the established use. In principle the development is judged to be acceptable, but is subject to the material planning considerations below.

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

Compared to the size of the petrol station forecourt and the shop and canopy structures, the launderette unit is of a small scale. Set against the rear boundary fence, it adds little to the massing of the site, as seen from the highway.

The design of the launderette is also considered not to be excessively obtrusive, and whilst the silver external finish does not particularly reflect any other elements of the site, a petrol station forecourt often contains a variety of ancillary facilities and a degree of visual clutter.

Therefore the proposed development is considered to be acceptable in terms of its design, siting and overall visual appearance, and would not detract from the character or appearance of the area.

#### **Impact on neighbouring occupiers**

Use of the launderette facilities by customer is not considered to cause detriment to the privacy of neighbouring residents, particularly those to the rear, since the existing boundary fence already screens the site from the closest dwellings.

However, the main material issue concerning this application is how the continued operation of the launderette would impact on residential amenity. The objection letters have highlighted several issues:

#### Machine noise

At the request of the Public Health & Protection Services, and given the complaints and objections made by neighbouring residents, a noise report was provided by a specialist company on behalf of the applicant. The objective was to investigate the sound levels generated by the kiosk, compared with the general background noise, and determine whether there would be an adverse impact.

It is acknowledged within the report that the sound levels produced by the launderette were recorded from identical machines at a site in Twickenham, again by a specialist company, since those at the application site were inoperative at the time. However, the background levels were measured in respect of the two closest dwellings at Queens Drive to the rear and on the opposite side of Llantrisant Road.

The report, which with appendix is in excess of fifty pages, concludes that there would be a low impact from the operation of the facility during the daytime and at night that this would also be low due to the fact that the 'sensitive receptors', i.e. residents, would be within their bedrooms of their properties, albeit with windows open.

However, the Public Health & Protection Service, whilst accepting the background noise levels and the traffic noise data, feels that the masking effect of the machinery, from traffic on Llantrisant Road, may also have been over exaggerated, especially during the night. Point 5.9 of the report states that 'the significant noise source in the area during the night time is road traffic', whilst in the Survey Details - Subjective Impressions (A1.2.8) the report mentions 'intermittent local traffic' during the night time period.

The report clarifies that the representative (vehicle) noise at the facade of the nearest properties in Llantrisant Road will be 45dBA and at Queens Drive 42dBA; and that there will be an expected drop of 15dBA from the masking effect of a ventilated window.

This is judged to be achievable, noting the World Health Organisation (WHO) criteria which confirms that a 15dBA drop can be expected where a window is left 'slightly open' for ventilation purposes. Nevertheless, if the residents were to leave their bedroom windows open to a greater extent, then the drop in dB level would be significantly less and reduced to a 0dB difference if left completely open.

Furthermore when it is considered that any noise levels above 30dBA (30dBA being the upper end of the WHO criteria for good sleep) may negatively impact on residents, it could only be guaranteed that residents are not impacted upon if their bedroom windows remain closed, or at the very most 'slightly open' during the night.

The objectors have also reported an additional degree of disturbance, in addition to rubbish being thrown into their gardens, caused by users of the machines. This has been particularly noticeable late at night and in the early morning, due to car radios and engines being on and left running, whilst customers have waited for their washing, and by slamming car doors.

Accordingly, given the context and established use of the site as a petrol station and small convenience store it is felt that it would be fair to consent to daytime use of the machine. This is because the site is already subject to considerable vehicle movements from customers and deliveries, the noise of equipment being operated, as well as that generated by traffic on Llantrisant Road.

Conversely, and for the reasons stated, it is considered that it would be unreasonable for the launderette facility to be used outside of daytime hours as the amenity and quality of life of the closest neighbouring residents would be unacceptably impaired.

#### Light pollution

It is acknowledged that the illuminated cube sign, which has been erected on top of the machine, is intrusive to residents of Queens Drive during the hours of darkness. In order to prevent light spill from causing detriment, a condition requiring a shield, or similar device, to be positioned behind the cube, should be appended to any consent.

#### Property value

Whilst the concerns of residents are recognised, the impact of development on property values is not a material planning consideration.

#### Smell/Drainage/wall failure

Further concerns have been highlighted about a detergent smell from the machines and what might happen to the boundary wall should its drainage fail. Nonetheless, drainage officers have requested a condition in respect of the surface and foul water, which would identify that the machine has been connected to appropriate services.

With regard to the integrity of the boundary wall, there is no reason why this should be considered to be any more of a concern than the existing drainage serving the site, including that to the car wash and shop, and the tanks and infrastructure connecting the petrol pumps.

Therefore, having taken note of the representations and objections above, it is considered that the material concerns of light pollution and machine operating noise can be addressed by conditions to restrict the hours of operation to daytime use, and requiring the offending light source to be shielded. On balance, this is considered sufficient to make the development acceptable in terms of residential amenity.

#### **Highways and Transport**

The proposed development is within the curtilage of the Texaco Petrol Station located on and served from the B4595 Llantrisant Road, Llantwit Fardre. Llantrisant Road has a carriageway width of 6.2m with segregated footway facilities on both

sides. Access to the self-service laundrette is achieved via the existing vehicular access serving the petrol station, which is acceptable.

Given the small scale of the self-service laundrette, with its entire footprint measuring 4.0m x 2.4m, Highways officers consider that vehicular trip generation to and from the site will be minimal and that vehicle parking can be accommodated within the existing facilities serving the petrol station.

### **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 the laundrette facility is acceptable in principle and does not have a detrimental impact on the character and appearance of the locality. In respect of residential amenity at the surrounding neighbouring properties, the development would also be acceptable subject to the suggested conditions being appended to any consent. On this basis the application would be considered to comply with Policies AW5, AW6 and AW10 of the Local Development Plan.

### **RECOMMENDATION: Grant**

1. Within 3 months of the date of this consent, details of a scheme to erect a panel, shield or similar device to the rear of the illuminated cube located on the top of the unit, shall be submitted to the Local Planning Authority for approval. This shall be designed such that it prevents any light from the cube from shining towards the rear elevations of properties at Queens Drive to the south-east. Once approved the scheme shall be maintained in good order and for so long as the machine is in situ at the site.

Reason: In the interests of neighbour amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

2. Within 3 months of the date of this consent full details of the surface and foul water drainage of the laundrette unit shall be submitted to the Local Planning Authority, in accordance with the attached notes 'Planning Requirements Relating to Flood Risk Management'.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

3. Use of the laundrette shall not be carried out outside the hours of 08:00 to 18:00 daily. Furthermore the power supply to the laundrette shall be switched off outside of these hours so as to prevent any residual noise from the equipment.

Reason: In the interests of neighbour amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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**APPLICATION NO:** 17/0981/15 (PB)  
**APPLICANT:** Mr A Sauer  
**DEVELOPMENT:** Variation of Condition 3 of previously approved application 15/0777/10 to extend the time period for an additional 5 years to 30 years and Removal of Condition 19 for a scheme for the provision and content of a sign/board.  
**LOCATION:** BERTHLLWYD FARM, MAENDY ROAD, PEN-Y-COEDCAE, PONTYPRIDD, CF37 1PS  
**DATE REGISTERED:** 12/09/2017  
**ELECTORAL DIVISION:** Graig

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**RECOMMENDATION:** Approve

**REASON FOR RECOMMENDATION**

Apart from archaeological interests there would be no demonstrable unacceptable harm to all other acknowledged interests from the solar farm development if its operation lifespan is increased by an additional 5 years. Although the solar farm development has detrimental consequences for the setting of an adjacent scheduled ancient monument, they will be no greater than has been accepted in granting planning permission for the current 25 years scheme and are outweighed by the wider public and environmental benefits of the development. In addition there is little prospect of a suitable location for a sign about the adjacent Roman Marching Camp being found either on or within a reasonable distance of the scheduled ancient monument.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The proposal relates to amendments to a major development that the Service Director Planning considers warrants the involvement of the Planning and Development Committee to determine.

**APPLICATION DETAILS**

Planning permission for the development of a solar farm at Berthllwyd Farm, Penycoedcae, was granted on 17th March 2016 (reference: 15/0777/10). The development was completed and commissioned on 31st March 2017. The

developer wishes to extend the life of the permission to coincide with the lifecycle of the solar photovoltaic panels and to dispense with the requirement to provide a sign/board about the Roman camp scheduled ancient monument adjacent to the site. The application therefore seeks to vary and amend the associated conditions of planning permission reference 15/0777 to address these matters accordingly.

### **Condition 3 – Length of Planning Permission**

The applicant wishes to extend the length of the planning permission by an additional 5 years to 30 years. This will enable the development to provide clean and safe energy for approximately 1,500 homes for an additional 5 years, which is the anticipated lifespan of the solar photovoltaic (PV) panels. This would also offset the production of some 12,500 additional tonnes of carbon dioxide, in addition to the circa 62,000 saved over the first 25 years of the project.

The suggested wording of the amended condition is as follows:

*“The permission hereby granted shall endure for a period of 30 years from 31st March 2017.”*

The applicant considers that the variation of the condition is reasonable and would enable the development to continue to deliver its benefits for an additional 5 years.

### **Condition 19 – Information Sign**

Condition 19 of the planning permission states:

*“Prior to the commencement of development details shall be submitted for the written approval of the Local Planning Authority confirming a scheme for the provision and content of a sign/board providing information on the Penycodcae Roman Marching Camp Scheduled Ancient Monument. The details shall include confirmation of the siting of the sign/board together with a timetable for its proposed installation.”*

A signage proposal was submitted in discharge of the condition in January 2017 (LPA reference: 17/005/38). However, over the last 9 months, following investigation with the highway authority and LPA, the applicant contends it has not been possible to identify an adequate area along Maendy Road, Llantrisant Road or Black Road where this sign could be installed as either there would be insufficient distance between the sign and the highway or it would be too distant from the scheduled ancient monument (SAM) to offer sufficient connection. The condition remains undischarged. It had been previously agreed that non-compliance with Condition 19 was not a "condition precedent" matter.

The applicant has also held discussion with the owner of the third-party land containing the SAM. However, the owner was unwilling to install the sign on its property due to fear of trespass, vandalism and disturbance of livestock.

Consequently, the applicant contends that the removal of the condition is reasonable and would remove a technical breach of condition accordingly.

## **SITE APPRAISAL**

The site lies in the countryside and covers a total area of 12.3 ha (30 acres) of land in agricultural use for sheep grazing. The centre of the development is at GR 307033 188117. The land is divided into three fields which are gently undulating not exceeding 10 degrees, apart from the southern field which has a slightly steeper gradient and lies between 203m AOD and 214m AOD. The site sits on a rolling plateau which generally slopes down to the east for approximately 300m before descending steeply down to the urban area of Treforest. A framework of hedgerows, trees and woodland areas generally enclose the fields. The exception to this general position is the northern and south western boundaries where there are no physical boundaries in place.

The land comprises a mixture of improved grassland, grazed marshy grassland with wet flushes, which are bounded by hedgerows, dry stone walls and fences with semi mature broad-leaved trees. The boundary trees are dominated by mature oaks with occasional beech and birch together with outgrown hedgerow hollies, hawthorn and hazel.

Within the southern field there is a pond and a number of watercourses and an area of peat land which has been excluded from the development of the solar farm and retained for ecological management purposes.

The site boundaries lie adjacent to agricultural land to the north and east, Maendy Road to the east and a wooded area of the former Maendy Quarries to the south. The Scheduled Ancient Monument of Pen Y Coedcae Roman Camp lies immediately adjacent to the north-western boundary of the site.

The site is located in close proximity to a number of residential properties:- Bungalows 1-4 Black Road (0.12km NW), Greenfield House ( 0.14km, N), Fforest Lodge ( 0.15km, N), Brynteg (0.16km, N), Berthllwyd Farm (0.49km, SE), Highland Farm, Housing Estate, Penycoedcae (0.26km, NW), Beechfield Bungalow (0.2km SW), Rhyd-y-llech (0.42km SW), Maendy (0.62km SE) and Ty'rarlwdd (0.8km SW). A number of residential properties along Llantrisant Road Penycoedcae lie between 0.5 and 1.0km west of the site. Heatherwood Court Hospital (0.46km, W) is a residential care home located on higher ground (229m AOD) at a 45° to the proposed site.

There are no Public Rights of Way that run through the site although there are two PROW's which are located to the east, PON/92/1 and PON/88/1 and one to the west of the site, PON/87/1.

The only natural water features or bodies within the site are linear field drains, a small ditch flowing eastwards into a culvert under Maendy Road and a pond located within the southernmost field of the site. Within the site are overhead electricity cables which run north west to south west across the site, two wooden telegraph poles along the western boundary and a single metal pylon.

Access to the site is gained from a number of field gate entrances off the public highway known as Maendy Road, which lies adjacent to the eastern boundary of the site. There are also field gate entrances from Black Road which runs parallel and 70m west of the site boundary which provide access to the southern field. Both of these routes are unclassified single country lane roads.

## **PLANNING HISTORY**



16/1064	Land at Berthllwyd Farm, Maendy Road, Penycoedcae, Pontypridd	Non-material amendment to development of solar photovoltaic park, ancillary development and ecological enhancements.	Granted 30.12.16
15/0777	Land at Berthllwyd Farm, Maendy Road, Penycoedcae, Pontypridd	Solar Photovoltaic Park, ancillary development and ecological enhancements.	Granted 17.3.16

## PUBLICITY

Neighbouring properties have been notified of the application which also has been publicised via site notices and a notice in the Press.

There has been no response to the application from members of the public.

## CONSULTATION

Transportation Section – no highway objection subject to re-imposition of relevant highway conditions.

Land Reclamation & Engineering – no comments to offer in relation to the application proposals and flood risk management/land drainage.

Public Health & Protection – no objection.

Natural Resources Wales – no objection.

Dwr Cymru/Welsh Water – no reply.

Cadw - Planning consent 15/0777/10 was granted against the advice of Welsh ministers due to the significant impact of the proposed development on the setting of scheduled monument Pen-y-Coedcae Roman Camp (GM267). Condition 19 was attached to that consent in order *“to identify and raise awareness of the significance of a feature of archaeological interest adjacent for the development site in accordance with policy AW7 of the Rhondda Cynon Taff Local Development Plan”*. However the applicant now seeks to remove this condition stating that *“following investigation with the highway authority and LPA, it has not been possible to identify an adequate area along Maendy Road, Llantrisant Road or Black Road where this sign could be installed as either there would be insufficient distance between the sign and the highway or it would be too distant from the scheduled ancient monument (SAM) to offer sufficient connection”* and that *“the applicant has also held discussion with the owner of the third-party land containing the SAM. However, the owner was unwilling to install the sign on its property due to fear of trespass, vandalism and disturbance of livestock”*.

The applicant does not appear to have discussed the possible location of the sign and whether or not a possible location would be too distant from the scheduled monument to offer sufficient connection with any historic environment expert,

including Cadw or the LPA's archaeological advisors, the Glamorgan-Gwent Archaeological Trust. Whilst it is noted that they have held discussion with an owner of part of the scheduled monument, this monument, which is some 15.2 ha in area, is held in multi-ownership. Thus it would appear that they have not exhausted all possibilities of the proposed sign being erected in the proximity of, or on, the scheduled monument. Consequently we strongly recommend that the applicant is required to consult further with the landowners of the scheduled monument to ascertain if there is a suitable location for the sign and also with historic environment experts to determine at what point possible locations would be too distant from the scheduled monument.

Glamorgan Gwent Archaeological Trust – none of the matters in the current application will impact the archaeological condition (number 17) and therefore GGAT has no further comment to make.

Council for British Archaeology Wales – no reply.

Parks, Countryside and Ecology – the Council's Ecologist has queried whether development has proceeded in accordance with the previously approved Biodiversity Management Plan, which would need to be extended 30 years in the event of condition 2 being varied.

## **POLICY CONTEXT**

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

The application site is located in the southern strategy area, outside of the settlement boundary, in a sandstone safeguarding area and adjoins the SINCs of Maendy Quarry AW8.133 and Pen y Coedcae Grassland AW8.128. The south western corner adjoins the SLA of Treforest Western Slopes. SSA23.11.

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

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

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

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

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

- A high standard of design;
- Appropriate to the local context;
- An efficient use of land;

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

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

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

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

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

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

**Policy SSA23** – identifies the Special Landscape Areas in the Southern Strategy Area including **SSA23.11** - Treforest Western Slopes. Development within SLA's will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

### National Guidance

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

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

Other relevant policy guidance consulted:

Circular 60/96: Planning and the Historic Environment: Archaeology.

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

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

Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy” Feb 2011 (PG to TAN 8) sets out the land use planning impacts

and benefits of different forms of such developments, including solar energy generation. Whilst recognising that solar PV arrays are an emerging technology in the UK, it provides a summary of potential impacts and design mitigation and enhancement measures of solar installations.

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

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues**

The solar farm development at Berthllwyd Farm was completed in March 2017 and has since been operational under the terms of the planning permission (ref: 17/0777) granted on 17<sup>th</sup> March 2016. The development is not permanent and condition 3 of the planning permission, as currently worded, limits the solar farm to a period of 25 years after which it is required to be removed and the land returned to its former agricultural use. The present application seeks to vary condition 3 to extend the time period of the solar farm to 30 years to coincide with the anticipated design lifespan of the photovoltaic panels. As stated earlier in this report, the applicant has set out benefits of the extended lifespan of the development in terms of the additional renewable energy contributions above those projected to be achieved in the currently approved 25 year time period. In arriving at a judgement of this application it is important to consider the extent to which the issues that figured in the consideration of the previous planning application for the solar farm are materially affected by the proposal to extend the operational life span of the development by an additional 5 years.

The solar farm at Berthllwyd Farm is a medium scale development of its kind that contributes to the Welsh Government's commitment to optimising the generation and use of energy from renewable and low carbon sources as set out in Section 12 of Planning Policy Wales. The public benefits of the solar farm development principally are the production, without carbon or other polluting emissions, of electricity sufficient to serve 1500 homes and contribution to the security of national energy supply. The production of renewable energy for this number of homes for an additional 5 years and the associated additional carbon offset is evident and accords with current planning and energy generation policies at all levels.

However, extension of the operational life of the solar farm will correspondingly extend the timescale of the development's consequences on interests of landscape and visual amenity, archaeology, nature conservation, agriculture, soil conservation, wildlife, public health, residential amenity and highway safety, all matters material to consideration and determination of the previous planning application. Save for archaeological interests which are discussed in detail later in this assessment, it is considered that extension of the operational lifespan of the solar farm from 25 years

to 30 years will have no discernible and unacceptable effects on any of the interests listed above. No objections have been raised by consultees and there has been no response from members of the public.

In terms of archaeological issues it was acknowledged in the consideration of the original planning application that the solar farm development would have a detrimental effect on the setting of the important scheduled monument of Pen Y Coedcae Roman Camp, which brings it into conflict with Policy AW7 of the LDP. Although the adverse effects will be prolonged by the addition of 5 years to the operational lifespan of the solar farm, they will not alter in terms of their magnitude. In any event, the adverse effects have to be balanced against the wider public and environmental benefits associated with the generation of renewable and low carbon energy. In this case, it is considered that the wider public and environmental benefits associated with solar farm development outweigh the specific impacts on the archaeological resource.

Taking the above issues into consideration it is concluded that, on balance and save for archaeological interests, there would be no unacceptable demonstrable harm to acknowledged interests from the solar farm development if its operation lifespan is increased by an additional 5 years. Although it is acknowledged the solar farm has detrimental consequences for the setting of scheduled ancient monument these will no greater than has been accepted in granting planning permission for the current 25 years scheme and are outweighed by the wider public and environmental benefits of the development. Accordingly, it is recommended that Condition 3 be varied in the terms requested by the applicant.

Turning to the matter of Condition 19, the condition requires the agreement of the provision, content, siting and timetable for installation of a sign/board providing information about the Pen-y-Coedcae Roman Marching Camp scheduled ancient monument (SAM), in order to identify and raise awareness of the significance of the feature of archaeological interest adjacent to the development site in the accordance with Policy AW7 of the LDP. The applicant engaged the services of an archaeological expert and lodged an application to discharge the condition at the beginning of 2017 (app ref: 17/0050) which currently remains undetermined. The reason for this is that following liaison with the highways and planning officers the applicant has been unable to identify an adequate location along Maendy Road, Llantrisant Road and Black Road where this sign could be installed as either there would be insufficient width of highway verge to accommodate a sign without it becoming a hazard to highway safety or it would be too distant from the SAM to offer sufficient connection. As an alternative the applicant has investigated siting the sign on third party land containing the SAM, but has been unable to reach agreement because the owner fears trespass, vandalism and disturbance to livestock. In view of this stalemate the applicant now seeks to have the condition removed.

Cadw and Glamorgan Gwent Archaeological Trust have been notified of the application and neither has objected, though Cadw recommends the applicant consults further with landowners of the scheduled ancient monument to ascertain if there is a suitable location for the sign and with historic environment experts to determine at what point possible locations would be too distant from the SAM. In response the applicant has advised that his archaeological expert (Foundations Archaeology) has engaged with Cadw over the design, content and siting of the sign but has been offered little help and inconsistent advice in return. Moreover, the applicant considers that he has investigated to a reasonable extent the opportunity to

provide the signage on highway land, or land within the control of the applicant and a third party without success and with advice from his heritage expert and the LPA and highway authority to no avail.

In view of the above it is concluded that there is little prospect of a suitable location for a sign being found either on or within a reasonable distance of the scheduled ancient monument, therefore removal of Condition 19 is incapable of being enforced and consequently its removal is recommended.

### **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**

Apart from archaeological interests there would be no demonstrable unacceptable harm to all other acknowledged interests from the solar farm development if its operation lifespan is increased by an additional 5 years. Although the solar farm development has detrimental consequences for the setting of an adjacent scheduled ancient monument, they will be no greater than has been accepted in granting planning permission for the current 25 years scheme and are outweighed by the wider public and environmental benefits of the development. In addition there is little prospect of a suitable location for a sign about the adjacent Roman Marching Camp being found either on or within a reasonable distance of the Scheduled Ancient Monument, therefore Condition 19 is incapable of being enforced. Accordingly, variation of Condition 3 and removal of Condition 19 is recommended. A revised list of conditions is set out below which acknowledges that construction of the development is complete and commissioning of the solar farm occurred from 31<sup>st</sup> March 2017.

### **RECOMMENDATION: Grant**

1. The development hereby approved shall be carried out in accordance with the following approved plans and documents (and subsequent non-material amendments approved under application ref 16/1064):
  - Site Location Plan (dated received 01/06/2015).
  - PV Panel Site Layout (reference 349/001 amended plan received 21 January 2016).
  - Preliminary Ecological Appraisal (reference: FINAL v2.0 13/04/2015).
  - Biodiversity Management Plan (reference: v1.0 18/03/2015).
  - Tree Protection Plan (drawing number: 14/394/05 Rev F).
  - Landscape Mitigation Plan (drawing number: 001 Rev E) submitted 5<sup>th</sup> October 2015.
  - Landscape Management Plan (reference: Final V2 / 04 September 2015).
  - Survey for Great Crested Newts (reference: NEW3714 dated June 2014).

- Flood Consequences Assessment (reference V9 / 13<sup>th</sup> April 2015).

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

2. The permission hereby granted shall endure for a period of 30 years from 31<sup>st</sup> March 2017.

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

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

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

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

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

5. Within 30 years from 31<sup>st</sup> March 2017 or within 6 months of the site ceasing to be used to produce electricity, if less than 30 years (whichever is the earlier) the panels hereby granted full planning permission shall be removed from the site and the land restored to its former condition in accordance with a scheme of works to be first submitted to and approved by the Local Planning Authority.

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

6. All landscaping in the approved scheme shall be carried out within 12 calendar months of commencement of the development or in such phases as may be agreed in writing with the Local Planning Authority.

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

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

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

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**APPLICATION NO:** 17/1043/10 (PB)  
**APPLICANT:** Mr David Bartholomew  
**DEVELOPMENT:** Change of use from C3 to C4 HMO.  
**LOCATION:** 5 KINGSLAND TERRACE, TREFOREST,  
PONTYPRIDD, CF37 1RX  
**DATE REGISTERED:** 06/10/2017  
**ELECTORAL DIVISION:** Treforest

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**RECOMMENDATION:** Approve

**REASONS FOR RECOMMENDATION:**

The dwelling is situated in an area of Treforest where the proportion of house in use as HMOs is about the average figure typically found elsewhere in Treforest. There are local concerns that the development will exacerbate over-concentration of HMOs in Treforest and its various attendant problems. The dwelling is capable of conversion to an adequate standard and has ample refuse storage and parking space. Empirical evidence to support a view that the development is harmful to the character, appearance and social cohesion of the locality is currently lacking, therefore on balance the development does not conflict with Policy AW5 of the LDP.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to Committee at the request of Councillor Powderhill to consider the consequences of the development for the character and appearance of the area where a significant number and dwellings are in use as houses in multiple occupation.

**APPLICATION DETAILS**

Full planning permission is sought for the conversion of a dwelling house (Use Class C3) into a 4 bed house in multiple occupation (Class C4) at 5 Kingsland Terrace, Treforest. The applicant advises and has included evidence that the dwelling had previously been occupied as a rental property for three decades and was licensed as a HMO until at least 2010, though since then the HMO use lapsed and the license expired whilst the property underwent major refurbishment during which time it was in sole occupation by the owner. The application therefore seeks to clarify the planning position by seeking consent to revert back to use as small HMO.

The application will not involve any physical changes to either the interior or exterior of the building. The HMO accommodation will comprise 1 bedroom and a communal kitchen, lounge and bathroom facilities on the ground floor, and 3 bedrooms on the first floor. The rear yard area provides refuse storage space.

**SITE APPRAISAL**

The application property is a middle of terrace house, with a modest rear garden and there is a rear service lane capable of providing access for a parking space within the curtilage. The application property is situated in a primarily residential area of Treforest, which is a ward where a significant number of residential dwellings are in



use as HMO's, predominantly occupied by students of the University of South Wales, Treforest campus.

## **PLANNING HISTORY**

None.

## **PUBLICITY**

Neighbouring properties have been notified of the application and site notices displayed.

No public response has been forthcoming.

## **CONSULTATION**

Transportation Section - no objection.

Public Health & Protection - no objections. The premises will need to be Licensed under the HMO licensing scheme operated by the Council.

South Wales Police – no objection as HMOs provide an important source of housing and form part of a balanced housing mix. However, the characteristics of an HMO and its more transient population mean that they are at significantly higher risk of crime than single family occupied dwellings. Research shows that high concentrations of HMOs could have a negative impact on crime levels in an area, therefore crime prevention measures recommended be incorporated into the property.

## **POLICY CONTEXT**

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

The application property is situated within the settlement boundary of Treforest and is unallocated.

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting development that would not unacceptably conflict with surrounding uses.

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

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

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

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

- Access Circulation and Parking
- Design and Placemaking
- Development of Flats – Conversion and New Build.

### **National Guidance**

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport), Chapter 9 (Housing), 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 18: Transport;
- Manual for Streets
- Welsh Government: Houses in Multiple Occupation – Practice Guidance (February 2016).

## **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 application property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as a single dwelling house in Class C3 to a house in multiple occupation (HMO) in Class C4 in principle does not conflict with development plan policy. Moreover, the Welsh Government's '*Houses in Multiple Occupation: Practice Guidance*' (February 2016) acknowledges that HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. However, the application property is situated in the Treforest ward which is a locality of Rhondda Cynon Taf where there is a significant concentration of HMOs. In recognition of this situation the Council operates an additional HMO licensing regime under the provisions of the Housing Act 2004. This additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

Looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that a number of houses in its vicinity already are in use as HMOs. Of the total of 43 houses within a 50 metre radius of 5 Kingsland Terrace 18 (42%) are licensed by the Council as HMOs and of the 62 houses in the whole of Kingsland Terrace 25 (40%) are licensed HMOs. On this

evidence over one-third of dwellings in the vicinity of 5 Kingsland Terrace are in use as HMOs. In streets closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is around one-third of dwellings, reaching as high as two-thirds in some streets. The proportion of houses in use as HMOs in Kingsland Terrace is high and gives rise to particular local issues that are material to the consideration of this application proposal. These are discussed in detail below.

Firstly, the prevalence of HMOs in the vicinity of the application site, as evidenced in the figures above, is said to have harmed the social cohesion of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to community which is no longer balanced and self-sustaining. Indeed, there is anecdotal evidence that increasing 'studentification' of Treforest is providing encouragement to owner-occupier residents to sell in response to demand for properties from buy-to-let investors. Secondly, and as a consequence, access to the area for owner occupiers and first time buyers has become more difficult and less attractive because of increased house prices and competition from landlords, with a reduction in the number of family homes. Thirdly, the area is suffering a significant reduction in the quality of the local environment and street scene as a consequence of increased incidents of litter, refuse and fly tipping, increased levels of disrepair and proliferation of letting signs. Fourthly, the area is experiencing a significant change in character with evidence of increased numbers of hot food takeaways, discount food stores and of letting agencies.

Whilst there can be little doubt that residents of Treforest face the types of problems described above, determination of this application turns on the specific effects of the change of use of 5 Kingsland Terrace from C3 dwelling to a 4 bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building.

To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. Whilst it is accepted that there is a significant a number of HMOs within the vicinity of the application site, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal would, in itself, be harmful to the social cohesion of the area, having regard to the existing profile of the community. Moreover, it is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. In terms of parking congestion concerns, it is acknowledged that on-street parking is at a premium in Kingsland Terrace and that in the case of this application proposal the level of car ownership associated with 4 separate occupiers has the potential to be higher than, for instance, a 3 bedroom property in C3 use. That said, there is scope for off-street parking to be provided at the rear of the property like others on Kingsland Terrace have already done, though due to the narrow width of the rear land it is likely only one parking space could be provided. In any event, given the site's proximity to public transport services, shops and facilities it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or pedestrians using Kingsland Terrace. Accordingly the application has attracted no objection from the Transportation Section.

Whilst the concerns of about the effects of proliferation and over-concentration of HMOs in Treforest are fully acknowledged, each case must be considered on its own merits. On the basis of the above assessment it is concluded that firm evidence of the likelihood of specific harm to the character, appearance and social cohesion of Treforest capable of being attributed to the proposed reversion of 87 Wood Road to a small HMO is lacking. Therefore, the proposal is recommended for approval.

### **Other Issues:**

#### **Community Infrastructure Levy (CIL) Liability**

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

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

### **Conclusion**

Taking all the above considerations into account it is considered, on balance, that the application proposal does not conflict with Policy AW5 and is therefore recommended for approval subject to the conditions below.

### **RECOMMENDATION: Grant**

1. The development shall begin no later than five years from the date of this decision.

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

2. The development hereby approved shall be carried out in accordance with the following approved plan:

- 5 Kingsland Terrace, Treforest – Location Plan.
- 5 Kingsland Terrace, Treforest - Proposed Ground & First Floor Layout Plans.

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

3. Notwithstanding the submitted plans the use hereby approved shall not commence until a plan indicating the design and details of a parking area to the rear of the house at 5 Kingsland Terrace, Treforest, are submitted to and approved by the Local Planning Authority. The parking area shall be laid out and constructed in accordance with the approved details prior to the beneficial occupation of house and shall be retained thereafter for the purpose of parking of vehicles associated with the occupation of the house at 5 Kingsland Terrace, Treforest.

Reason: To ensure that vehicles associated with occupation of the house are parked off the highway in the interest highway safety in accordance with

policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 17/1071/15 (DJB)  
**APPLICANT:** Mr Hunter  
**DEVELOPMENT:** Variation of Condition 1 of application 16/1019/10 - to extend the temporary period (maximum 1 year as at 23rd October 2016) for an additional 24 months with effect from 23rd October 2017

**LOCATION:** CARDIFF ROAD SURGERY, 8 CARDIFF ROAD, MOUNTAIN ASH, CF45 4EY  
**DATE REGISTERED:** 29/09/2017  
**ELECTORAL DIVISION:** Mountain Ash East

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**RECOMMENDATION: Approve (Temporary for a further 24 months)**

The site lies within a mixed use area of Mountain Ash, with both residential and commercial uses in proximity of the application site. It is not considered that the retention of the block of portacabin type modular structures for an extended period of 24 months beyond the period currently permitted will so detrimental to the site, neighbouring occupiers and surrounding locality as to justify not granting the application.

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**REASON APPLICATION REPORTED TO COMMITTEE:** In determining the initial application (15/0667) Committee requested that any subsequent applications seeking an extended period in which to retain the units be brought back to Committee for Members consideration.

**APPLICATION DETAILS**

Permission is sought to vary the time period stipulated in Condition 1 of planning permission 16/1019, which expired on 23 October 2017, to enable retention of the units for a further 24 months (i.e. until 23 October 2019).

The initial planning application 15/0667 was submitted by the Cynon Valley Medical Practice in May 2015 for the provision of 12no. portacabin type modular units to the rear of the Cynon Vale Medical Practice surgery building to replace 2no. modular units which were at that time on the site.

Cwm Taf University Health Board have previously confirmed their support for the continued retention of the units, whilst a scheme is progressed for a new facility for the provision of primary health care facilities in Mountain Ash.

**SITE APPRAISAL**

Cynon Vale Medical Practice is accommodated within Cardiff Road Surgery, 8 Cardiff Road, a former residential detached property, of a relatively modest size, which stands on the southwestern side of Cardiff Road, approximately 50m down from the junction with Ffrwd Crescent. The surgery building fronts directly onto the back of the pavement running across the front. Between the rear boundary and the River Cynon (a distance of some 15m) is a strip of somewhat overgrown grassed ground, the riverside footpath and the river bank.

The south eastern side boundary between the surgery site and the Council's (Old Cardiff Road) car park and part of the rear boundary is defined by a block work wall approximately 1.35m in height.

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

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

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

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

## PLANNING HISTORY

16/1019	Variation of Condition 1 of application 15/0667/10 - to extend the temporary period (maximum 1 year as at 23rd October 2015) for an additional 12 months with effect from 23rd October 2016.	Approved 10.11.16
15/1476	Application for a non-material amendment (NMA) to previously approved application 15/0667 to reduce the overall width of the block of portacabin type modular units from 9.15m to 7.5m and to provide external fire escape staircase on the car park side elevation of the units rather than the rear.	Approved 04/12/015
15/0667	Remove existing 2 no. ground floor level portacabin units at the rear of the surgery building and replace them with 12 no. portacabins (6 no. at ground floor and 6 no. above).	Approved – Temporary permission for 12 months only,

05/0152 Temporary siting of modular buildings at rear of existing building giving two consulting rooms, one treatment room and disabled WC. granted 23 October 2016  
Cond. Perm. 14/04/05

## **PUBLICITY**

The application has been advertised by means of site notices erected in the vicinity of the site and individual neighbour letters. No responses have been received.

## **CONSULTATION**

None undertaken as no change in circumstances from previous application. When considering the previous application (16/1019) no objections were received from Transportation, RCT Flood Risk Management or Natural Resources Wales.

## **POLICY CONTEXT**

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

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

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

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

**Policy AW6** – supports development that promotes high quality design and placemaking.

### **National Guidance (Planning Policy Wales – 9<sup>th</sup> Edition, November 2016)**

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

Section 4.11 seeks to promote sustainability through good design.

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

TAN12: Design (2016)

TAN18: Transport (2007)

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

## **PLANNING CONSIDERATIONS**

The initial application (15/0667) was granted at the 15 October 2015 meeting when Members resolved to grant the application, albeit not for the 3 year period sought but for a maximum of 12 months.

Application 16/1019 was considered at the 20 October 2016 meeting of Development Control Committee when Members resolved to grant the application to retain the accommodation for a further 12 month period.

It is considered that the main issue in the assessment of this application is whether or not the continued presence of the block of 12no. modular units on the site for a further period of 24 months would cause any significant harm in planning terms.

When Members considered the original application it was noted that the site lies within the defined settlement boundary of Mountain Ash, within a mixed use area where both residential and commercial uses are present.

The units are arranged with 6no. at ground floor level and 6no. above at first floor level forming a single flat roofed block, which provides accommodation for patient WC facilities, store rooms, two doctor's consulting rooms, GP room, treatment room, staff WC facilities, practice manager's office, two medical records storage rooms, store room and two administrative rooms.

Policies AW5 and AW6 of the Local Development Plan both require new development to be of a scale, form and design that respects the context of the setting and would not adversely impact on the character and appearance of the surrounding area. Permission is sought on a temporary basis (for a further 24 month period) and therefore visual impacts will be for a limited period only. Also, it is recognised that the Practice is making full operational use of the additional floorspace the units provide. On balance therefore, it is not considered appropriate to raise an objection to the application on the basis of policies AW5 and AW6.

In terms of its impact on residential amenity it is noted that the occupiers of the former Nazareth Church have not raised objection to this application. They did raise objection to the original 15/0667 application, but did not object to the 2016 12 month extension application (16/1019).

Having regard to policy AW5 of the Local Development Plan it remains the view that the proposed units would not impact on the residential amenity of the occupiers of the former Church to such a significant extent that would justify a reason to refuse permission to retain the units for a further 24 month period.

## **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 CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

### Conclusions

It is acknowledged that the proposed development is not without its deficiencies, with regard to its size, form and functional appearance and limited provision for off-street parking and these issues were fully considered when Members discussed the merits of the original application in 2015. However, it is not considered that the retention of the accommodation for a further period of 24 months will result in any further adverse impacts and accordingly the application is recommended for approval (for a maximum of 24 months, ie until 23 October 2019).

### **RECOMMENDATION: Grant**

1. The permission hereby granted is for a temporary period (maximum of 24 months up until 23 October 2019) only and the 12no. portacabin type modular units (and associated fire escape staircase) hereby approved shall be wholly removed from the site no later than by 23 October 2019. The site shall be restored, within a timescale and to a condition both to be agreed, in writing by the Local Planning Authority prior to the removal of the 12no. portacabin type modular units from the site.

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

2. The development hereby approved shall be carried out in accordance within the following approved plans/drawings:

- OS Base red line application site plan(dated received 22/06/15)
- Existing Building and portacabin plan/elevation.
- Car parking for 3 cars.
- Elevations Plan (marked GTX Containex 19.10.2015-3602858).
- Site layout Plan (marked Revised Drawing for 8 Cardiff Road, Mountain Ash-15/0667).

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

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<b>APPLICATION NO:</b>	<b>17/1092/10</b>	<b>(PB)</b>
<b>APPLICANT:</b>	<b>PERSONDY PROPERTIES LTD</b>	
<b>DEVELOPMENT:</b>	Change of use from C3 to C4 (3 bed house to 4 bed HMO).	
<b>LOCATION:</b>	<b>87 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RJ</b>	

**DATE REGISTERED: 11/10/2017**  
**ELECTORAL DIVISION: Treforest**

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**RECOMMENDATION: Approve**

**REASONS FOR RECOMMENDATION:**

The dwelling is situated in an area of Treforest where the proportion of house in use as HMOs is about the average figure typically found elsewhere in Treforest. There are concerns that the development will exacerbate over-concentration of HMOs in Treforest and its various attendant problems. The dwelling is capable of conversion to an adequate standard and sufficient curtilage space to provide refuse storage and a parking space. Empirical evidence to support a view that the development will be harmful to the character, appearance and social cohesion of the locality is currently lacking, therefore the proposal does not conflict with Policy AW5 of the LDP.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to Committee at the request of Councillor Powderhill to consider the consequences of the development for the character and appearance of the area where a significant number and dwellings are in use as houses in multiple occupation.

**APPLICATION DETAILS**

Full planning permission is sought for the conversion of a dwelling house (Use Class C3) into a 4 bed house in multiple occupation (Class C4) at 87 Wood Road, Treforest.

The application will not involve any physical changes to either the interior or exterior of the building. The HMO accommodation will comprise 1 bedroom and a communal kitchen and lounge facilities on the ground floor, 3 bedrooms and a communal bathroom on the first floor. The rear yard area provides refuse storage space. There is no off-street associated with the property although it has a service lane to the rear.

**SITE APPRAISAL**

The application property is a middle of terrace house, with a modest rear garden. It is situated in a primarily residential area of Treforest, which is a ward where a significant number of residential dwellings are in use as HMO's, predominantly occupied by students of the University of South Wales, Treforest campus. A residents parking permit scheme is in operation on Wood Road.

**PLANNING HISTORY**

None.

**PUBLICITY**

Neighbouring properties have been notified of the application and site notices displayed.

No public response.

## **CONSULTATION**

Transportation Section - no objection.

Public Health & Protection - no objection.

South Wales Police – no objection as HMOs provide an important source of housing and form part of a balanced housing mix. However, the characteristics of an HMO and its more transient population mean that they are at significantly higher risk of crime than single family occupied dwellings. Research shows that high concentrations of HMOs could have a negative impact on crime levels in an area, therefore crime prevention measures recommended be incorporated into the property.

## **POLICY CONTEXT**

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

The application property is situated within the settlement boundary of Treforest and is unallocated.

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting development that would not unacceptably conflict with surrounding uses.

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

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

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

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

- Access Circulation and Parking
- Design and Placemaking
- Development of Flats – Conversion and New Build.

### **National Guidance**

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport), Chapter 9 (Housing), 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 18: Transport;
- Manual for Streets
- Welsh Government: Houses in Multiple Occupation – Practice Guidance (February 2016).

## **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 application property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as a single dwelling house in Class C3 to a house in multiple occupation (HMO) in Class C4 in principle does not conflict with development plan policy. Moreover, the Welsh Government's '*Houses in Multiple Occupation: Practice Guidance*' (February 2016) acknowledges that HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. However, the application property is situated in the Treforest ward which is a locality of Rhondda Cynon Taf where there is a significant concentration of HMOs. In recognition of this situation the Council operates an additional HMO licensing regime under the provisions of the Housing Act 2004. This additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

Looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that a number of houses in its vicinity already are in use as HMOs. Of the total of 17 houses within a 50 metre radius of 87 Wood Road 5 (29%) are licensed by the Council as HMOs and of the 193 houses in the whole of Wood Road 56 (29%) are licensed HMOs. On this evidence just under one-third of dwellings in the vicinity of 87 Wood Road are in use as HMOs. In streets closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is much the same at around one-third of dwellings, reaching as high as two-thirds in some streets. The proportion of houses in use as HMOs in Wood Road is relatively high and gives rise to particular local issues that are material to the consideration of this application proposal. These are discussed in detail below.

Firstly, the prevalence of HMOs in the vicinity of the application site, as evidenced in the figures above, is said to have harmed the social cohesion of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to community which is no longer balanced and self-sustaining. Indeed, there is anecdotal evidence that increasing 'studentification' of Treforest is providing encouragement to owner-

occupier residents to sell in response to demand for properties from buy-to-let investors. Secondly, and as a consequence, access to the area for owner occupiers and first time buyers has become more difficult and less attractive because of increased house prices and competition from landlords, with a reduction in the number of family homes. Thirdly, the area is suffering a significant reduction in the quality of the local environment and street scene as a consequence of increased incidents of litter, refuse and fly tipping, increased levels of disrepair and proliferation of letting signs. Fourthly, the area is experiencing a significant change in character with evidence of increased numbers of hot food takeaways, discount food stores and of letting agencies.

Whilst there can be little doubt that residents of Treforest face the types of problems described above, determination of this application turns on the specific effects of the change of use of 87 Wood Road from C3 dwelling to a 4 bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building.

To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. Whilst it is accepted that there is a significant a number of HMOs within the vicinity of the application site, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal would, in itself, be harmful to the social cohesion of the area, having regard to the existing profile of the community. Moreover, it is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. In terms of parking congestion concerns, it is acknowledged that on-street parking is at a premium in Wood Road and that in the case of this application proposal the level of car ownership associated with 4 separate occupiers has the potential to be higher than, for instance, a 3 bedroom property in C3 use. That said, there is scope for off-street parking to be provided at the rear of the property like others on Wood Road have already done, though due to the narrow width of the rear land it is likely only one parking space could be provided. In any event, given the site's proximity to public transport services, shops and facilities it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or pedestrians using Wood Road. Accordingly the application has attracted no objection from the Transportation Section.

Whilst the concerns of about the effects of proliferation and over-concentration of HMOs in Treforest are fully acknowledged, each case must be considered on its own merits. On the basis of the above assessment it is concluded that firm evidence of the likelihood of specific harm to the character, appearance and social cohesion of Treforest capable of being attributed to the proposed conversion of 87 Wood Road to a small HMO is currently lacking. Therefore, the proposal is recommended for approval.

**Other Issues:**

**Community Infrastructure Levy (CIL) Liability**

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

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

**Conclusion**

Taking all the above considerations into account it is considered, on balance, that the application proposal does not conflict with Policy AW5 and is therefore recommended for approval subject to the conditions below.

**RECOMMENDATION: Grant**

1. The development shall begin not later than five years from the date of this decision.

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

2. The development hereby approved shall be carried out in accordance with the following approved plan:

- 87 Wood Road, Treforest – Site Plan & Block Plan (drawing J17/24/P01)
- 87 Wood Road, Treforest - Proposed Floor Plans (drawing J17/24/P03 .

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

3. Notwithstanding the submitted plans the use hereby approved shall not commence until a plan indicating the design and details of a parking area to the rear of the house at 87 Wood Road, Treforest, are submitted to and approved by the Local Planning Authority. The parking area shall be laid out and constructed in accordance with the approved details prior to the beneficial occupation of house and shall be retained thereafter for the purpose of parking of vehicles associated with the occupation of the house at 87 Wood Road, Treforest.

Reason: To ensure that vehicles associated with occupation of the house are parked off the highway in the interest highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

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

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**16 NOVEMBER 2017**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

**MR J BAILEY  
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**See Relevant Application File**

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