



Adroddiad

Ymweliad â safle a wnaed ar 04/07/05
Gwrandawriad a gynhaliwyd ar 01/11/05

Report

Site visit made on 04/07/05
Hearing held on 01/11/05

gan/by Anthony H Vaughan BSc CEng MICE MRTPI

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date

Rhondda Cynon Taff County Borough Council

Section 77

Town and Country Planning Act 1990

Planning Application

By

Mrs R C Sullivan

Concerning

Land Formerly Known as The Botanical Beer Bottling Store

East of The Paddocks, Aberaman, Aberdare.

File Ref: APP/L6940/X/05/514687

Site address: Land Formerly Known as The Botanical Beer Bottling Store, East of The Paddocks, Aberaman, Aberdare.

- The outline planning application was called in for decision by the National Assembly for Wales by a direction, made under section 77 of the Town and Country Planning Act 1990, on 6 April 2005.
- The outline planning application is made by Mrs R C Sullivan to Rhondda Cynon Taff County Borough Council.
- The outline planning application Ref:04/1749 is dated 13 September 2004.
- The development proposed is residential development
- The reason given for making the direction was that the proposed development raises issues of more than local importance, including issues that may be in conflict with national planning policy.
- On the information available at the time of making the direction, the following were the matters on which the National Assembly for Wales particularly wished to be informed for the purpose of its consideration of the application: The visual and environmental implications of the proposed development on the site and surrounding areas; the relevant national policies as set out in Planning Policy Wales (March 2002) particularly those relating to residential development and Technical Advice Note (TAN) 15, Development and Flood Risk; policies in the Mid Glamorgan (Rhondda Cynon Taff County Borough) Replacement Structure Plan and the Cynon Valley Local Plan.

Summary of Recommendation: That the grant of planning permission be refused.

1. Preamble

- 1.1 This report contains a description of the application site (the site) and its surroundings, the material points of the cases for the Council, the Applicant and the Environment Agency Wales (EAW) and interested persons, together with Conclusions and a Recommendation and finally a list of persons present at the hearing and the relevant documents.

2. The Site and Surroundings

- 2.1 The site comprises an irregular-shaped area of land measuring approximately 0.14 hectares and located east of the A4059 Aberdare Bypass road on the opposite side of the A4059 from the 'The Paddocks', Aberaman, Aberdare. The site is bounded to the east by the Afon Cynon (statutory main river) and the Nant Gwawr lies to the north, with the A4059 being separated from the site by a private access roadway, which serves Ynysllwyd Farm to the north.
- 2.2 The site is accessed from Davis Street via a single lane bridge which crosses the A4059 to reach the accommodation road serving the site, together with the farm and a nearby recreation area. The access is narrow and twisting, providing a shared function as a public footpath, but there are inter-visible passing places available for opposing vehicles.
- 2.3 There is a bridge crossing the Afon Cynon just downstream of the site.
- 2.4 The site is gently sloping in a northerly and easterly direction. It is covered with the remains of car breaking operations and rubble. Vegetation is present in parts, especially close to the site boundaries to the south and east. Japanese Knotweed is present in these vegetated areas.
- 2.5 The western site boundary is defined by parts of a wall, which comprises the remains of a building formerly located in this part of the site, and lengths of unkempt metal fencing. Building waste has been dumped on the appeal site. The site has an appearance of neglect, untidiness and dereliction.

- 2.6 On the opposite side of the river from the appeal site there are large flat areas of undeveloped ground indicative of a floodplain. The A4059 which is to the west of the site provides a degree of separation between the conurbation on its western side and the undeveloped land of the river valley on its eastern side.

3. Planning Policy

Local Plan – The Cynon Valley Local Plan including waste policies (Part of the Development Plan).

- 3.1 The site is unallocated and is outside the defined development limits, but within a green wedge (ENVP2-E) and within the Cynon and Taff River Park. Policy ENV1 gives general criteria for new development. Policy ENV2 restricts development outside the development limits. Policy ENV17 states that development in flood risk areas will not be permitted without flood protection and flood compensation schemes. Proposal ENVP2 states that only development that does not prejudice the open nature of the land will be allowed within the defined green wedges. Proposal ENVP3 requires development in the river park not to prejudice the environment.

Structure Plan – The Mid Glamorgan (Rhondda Cynon Taff) Replacement Structure Plan (Part of the Development Plan).

- 3.2 Policy EV1 restricts development in the countryside. Policy EV12 states that development at risk of flooding or likely to increase flood risk will not be permitted. Policy H2 restricts housing development in the countryside to special needs only, and subject to criteria including prevention of coalescence of settlements.

National Guidance - Planning Policy Wales (March 2002) & Technical Advice Note (TAN)15 Development and Flood Risk (July 2004).

- 3.3 Planning Policy Wales, paragraph 2.4.5 states that the countryside must be preserved and where possible enhanced. Paragraph 2.6.16 states that the construction of new buildings in a green wedge is inappropriate development, with limited exceptions, for example for development that maintains the openness of the green wedge. Inappropriate development should not be granted planning permission except in very exceptional circumstances. Paragraph 2.7.1 expresses the preference for re-use of previously developed land. Paragraphs 9.2.18 and 9.3.6 state that new house building in the countryside should be strictly controlled. Paragraphs 9.3.1 states that new housing development should be well integrated with and connected to the existing pattern of settlements. Coalescence of settlements should be avoided. Paragraphs 9.3.3 and 9.3.4 state that housing development should not damage an area's character or amenity.
- 3.4 TAN 15, paragraph 5.1 (Fig 2) describes all residential premises as highly vulnerable development in the context of flood danger. The site is classed as being within an area of floodplain, without significant flood defence infrastructure, defined as C2. Paragraph 6.2 of the TAN states that highly vulnerable development and emergency services in zone C2 should not be permitted.

4. The Case for The Council

The material points are:

- 4.1 The main issues in respect of this proposal are firstly: the potential for a satisfactory form of development on the land to make a significant improvement to the appearance of the local area; secondly, the acceptability of the access arrangements to the site.
- 4.2 The site has a brownfield character, being an untidy area of land largely covered with rubble and elements of debris arising from the former activities on the site which concerned car breaking and related operations. It is currently bounded by unkempt and dilapidated walling and fencing which exacerbate the negative appearance of the site upon the local area.
- 4.3 Since 1975 a succession of time limited planning permissions have been granted for the use of the site for car dismantling and vehicle storage. The permissions that were granted were made personal to Mr R G Welch the former land owner. Sadly Mr Welch died last month (October) and the formerly extant planning permission has therefore lapsed.
- 4.4 There is scrub growth on large parts of the site. Nearest to the site margins particularly those parts near the Afon Cynon, and Nant Gwawr, there are stands of Japanese Knotweed. This is a form of aggressively invasive perennial plant growth alien to the locality and which is nationally recognised as a noxious weed. However, the retention of native scrub/woodland on the northern and western boundaries would have the positive benefits of reducing potential disturbance to adjacent habitats and of retaining the best features of the visual screening present on site.
- 4.5 Whilst it is recognised that powers exist under S 215 of the Town and Country Planning Act 1990 to secure the proper maintenance of land, it is also recognised that this provision has practical limitations in its effectiveness. Any action under S.215 would either be unlikely to succeed, or to result in little in the way of major improvement to the overall appearance of the site.
- 4.6 Given the history of the site, which was originally used for a form of manufacturing activity and more recently for car breaking and related uses, it is considered that the erection of residential development would provide a suitable and satisfactory solution to the long-standing problem of the untidy and neglected appearance of the site. This is obviously harmful to the appearance of the locality.
- 4.7 An attractive modern building with a residential curtilage and suitable boundary treatment would represent a positive gain to the public interest in terms of the impact on local amenity. It is accepted that the site is within the green wedge, but it is more coherently related to the conurbation than the open undeveloped land of the flood plain and river valley. Therefore, residential development would not harm the green wedge or undermine its status.
- 4.8 The bridge over the A4059 from Davis Street provides access to the site and other uses (Ynysllwyd Farm and the nearby recreation areas). It has sub standard horizontal and vertical alignment, it is also narrow and provides a shared function as a public footpath. However, it is unrealistic to suggest that the small traffic volumes generated by the proposed use, (and also when taking into account the previous uses on the land), would be likely to give rise to a material worsening in the highway safety provision in the vicinity of the site. The entrance to the site, from Davies Street to the site entrance point, is

comparable to other site accesses nearby. The highway situation is not in any sense detrimental to the interest of safety or the free flow of traffic such as to outweigh the merits of the development in terms of amenity and the appearance of the area.

- 4.9 In respect of potential flooding issues, the site is not known to have flooded in the memory of local representatives and officers, and the likelihood of flooding is considered in practical terms to be remote. The EAW's views are understood, and it is considered that flooding issues can properly be addressed by the provision of a suitable flood consequence study within the context of the acceptance of the proposed development.
- 4.10 Notwithstanding the concerns expressed by certain parties, the development of the site is considered to make a clear and positive overall benefit to the local area and the amenity of its surroundings, subject to the inclusion of suitable conditions along the following lines:-
- (i) Time limit for submission of reserved matters and commencement of development.
 - (ii) Details of access parking of manoeuvring.
 - (iii) Provision of a flood consequences assessment and implementation of approved protection measures.
 - (iv) Removal of Japanese Knotweed.
 - (v) Landscaping details to include boundary and surface treatment.
 - (vi) Provision of drainage for approval and subsequent implementation.
 - (vii) Details of finished site and floor levels in relation to levels of adjacent land.
 - (viii) Measures to protect the riverbank environment and the scrub/woodland along the northern and western boundaries, to assist reduction in potential disturbance to adjacent habitats and to retain the best features of visual screening on the site.

5. The Case for the Environment Agency Wales (EAW)

The material points are:

- 5.1 The site is next to the river and is not protected by any flood defences. Immediately south of the site there is an existing bridge crossing the Afon Cynon where there is a potential for localised flooding in the event of trees or other flood debris accumulating on the pier of this structure.
- 5.2 The site is located within zone C2 of the Assembly Government's development advice maps, issued in support of Technical Advice Note 15. Development and Flood Risk (July 2004) (TAN15). Zone C is described in TAN 15 as the "extreme flood outline, equal to or greater than 0.1%, and Zone C2 as "Areas of floodplain without significant flood defence infrastructure", where "emergency service and highly vulnerable development should not be considered". Highly vulnerable development includes all residential development.
- 5.3 In addition to its location within zone C2, the site lies within the 1% (1 in 100 year) flood plain of the Afon Cynon; this is supported by studies and river models undertaken by EAW. The EAW's historical records identify flooding of this site during previous flood events. It is estimated that the 1% flood event would produce river levels of 116.230mAOD against a site level of about 116.248 to 116.385mAOD. There is little room for error. It might be possible to raise the surface level of the site out of danger of known flood levels, but this would take up water storage volume within the flood plain. It is accepted that this would result in minimal increase in height of flood water, but no information has been submitted to assess its impact. Furthermore, no Flood Consequences Assessment (FCA) has been

- submitted to demonstrate the height of any flood with a potential return period of 0.1% (1 in 1000 year).
- 5.4 The downstream bridge structure will influence water levels within this area during flood events. The 1% flood level has been established to be in the order of 300mm above the soffit of the bridge at its central point. The pier of this bridge has accumulated flood debris during previous flood events causing a partial blockage within the river channel.
- 5.5 Planning Policy Wales, issued March 2002, includes guidance set out below which is of particular relevance to flood risk.
- 5.5.1 Paragraph 13.2.3 - "Meeting the Assembly Government's objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard. Planning Authorities should therefore adopt a precautionary approach when formulating UDP policies on development and flood risk, and when considering planning applications. In this context, the precautionary principle should be applied on the basis that climate change is likely to increase the risk of coastal and river flooding as a result of sea-level rise and more intense rainfall".
- 5.5.2 Paragraph 13.2.2 - "Flooding as a hazard therefore involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring".
- 5.5.3 Paragraph 13.3.2 - "In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure".
- 5.5.4 Paragraph 13.2.1 - "... All development on land within the flood plain of a watercourse...is at some risk of flooding and whilst flood risk can be reduced it can never be completely eliminated".
- 5.5.5 Paragraph 13.4.1 - "Development proposals in areas defined, as being of high flood hazard should only be considered: where new development could be justified in that location...."
- 5.5.6 Paragraph 13.4.4 - "Planning Authorities should bear in mind that the Environment Agency will not automatically provide or extend a flood warning service...Increasing the number of new properties in areas at risk from flooding will place increasing pressure on the emergency services and therefore consideration should be given to refusing development".
- 5.6 Technical Advice Note 15: Development and Flood Risk (July 2004) incorporates development advice maps based on the best available information considered sufficient to determine when flood risk issues need to be taken into account in planning decisions. Three development advice zones are described on the maps, to which are attributed different planning actions.

- 5.6.1 Paragraph 4.2 of TAN 15 describes the composition and use of these zones to control and manage development. Zone C is based on Environment Agency's extreme flood outline, equal to or greater than 0.1%. This zone is subdivided into C1 ("areas of the floodplain which are developed and served by significant infrastructure, including flood defences"), and C2 ("areas of the floodplain without significant flood defence infrastructure"). The site location plan attached to the representations illustrates that the proposed development site lies within zone C2, shown shaded in blue. (Document 5 – Appendix 1)
- 5.6.2 Figure 1 (Paragraph 4.2) of TAN 15 states that zone C2 is "used to indicate that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered". Figure 2 (Paragraph 5.1) of TAN 15 includes "all residential premises" within the definition of highly vulnerable development.
- 5.6.3 Paragraph 6.2 of TAN 15 states "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted".
- 5.7 In summary, the site is within the 1% (1 in 100 year) floodplain of the Afon Cynon and is not protected by flood defences. The Agency's historical records confirm that the site has previously flooded.
- 5.8 Planning Policy Wales states that development in such areas should be wholly exceptional and limited to essential transport and utilities infrastructure. The Assembly Government's development advice maps further confirm that the site is within Zone C2, where, in accordance with the guidance set out in TAN15, residential development should not be permitted.
- 5.9 In view of this strong and clear guidance planning permission for residential use should not be granted.

6. The Case for Interested Persons

- 6.1 Councillor Anthony Christopher supports the application to develop the site. The site has a history of commercial use which has been carried out without any problems. At present the site is a fly tippers' paradise and has already been cleared of accumulated debris on several occasions. If the site is not developed these problems will persist. The views of EAW are understood but not accepted. Moreover, the views appear contradictory as no objections were offered to development at Tirfounder Fields which is in the same area and downstream but apparently on a much lower plateau and nearer the river. The EAW is being inflexible over development projects within flood plains. If it persists with such policies it will result in major development blight.
- 6.2 Mrs I Evans of Ynysllwyd House Farm objects to the project on the basis of an inadequate access. The road is too narrow with no footways making it dangerous for cars and pedestrians. Forward visibility is poor on both sides of the bridge over the highway. A large amount of traffic negotiates the bridge to get to the local football pitch. Frequently on a Saturday the path is grid locked. The route cannot support the additional traffic likely to be generated by the project. Together with Mr G Bolton she is concerned about flooding, confirming that the site has flooded recently. However, no information is provided as to whether this was caused by increased river levels or from retained rain water on the site.

7. The Case for The Applicant supported by the Technical Submission of JODA Topographics Ltd

The material points are:

- 7.1 A maximum of 4 detached high quality houses is intended for the appeal site together with an appropriate landscaping scheme to improve the area generally.
- 7.2 The site, until around 2000, was used as a car dismantling business, which involved heavy traffic travelling to and from the site as well as customer based vehicular access. This arrangement proved satisfactory during the 25 year business life of the site. The former owner stated there were never any problems with flooding on the site. Prior to the previous use a bottling plant was located at the site, together with a store which again necessitated both commercial and private vehicular movement. The site was originally developed as 6 cottages in 1856, which it is believed were demolished in 1921 to make way for the bottling plant business.
- 7.3 The site has had a varied and useful history and can be considered as brownfield land despite its surprising location within the Green Wedge. It is the type of land that should, according to current government policy, be utilised in whatever is an appropriate manner. A residential proposal would be a suitable development.
- 7.4 With respect to the reservation held by the EAW over possible flooding, the nearby area of Tirfounder Fields, has been developed, albeit for commercial uses. However, further residential development on a very large scale has recently had approval within the last 12 months. This involves more than 100 dwellings and it is believed they are located at a level below that of the application site.
- 7.5 The application site is currently subject to fly tipping by builders and residents and is known for this use. The project would improve the area to the benefit of the immediate residents, business users and others by removing this unwanted illegal use.
- 7.6 The site does not wholly lie within the 1% (1 in 100 year) flood plain of the Afon Cynon; part of the site is not included within this apparently arbitrary line. (Document 5) An opportunity has not been given for inspecting and/or analysing the flood prediction models prepared by the EAW. The elevations of the site itself are generally constant and it is difficult to accept that such a variation in depth could occur over a relatively level area of land. Neither the Applicant, the previous owner nor local residents have any knowledge of the site ever having flooded within living memory. The EAW statement that there are historical records of such an event is not accepted.
- 7.7 The soffit of the footbridge structure (at the centre of span on the north eastern side) spanning over the Afon Cynon has an elevation of 116.006mAOD, if the EAW statement that the 1% flood level is 300mm above this level is correct this means that the 1% flood level is 116.306m AOD. Levels taken at the site recently indicate that the site is already at or about this level. As this is the case, there are inconsistencies in the EAW statement that under the 1% flood there would be 0.5m to 1.2m depth of water across the site under such an occurrence. The zone C2 is incorrect and the plans indicating that the site lies within zone C2 should be amended to wholly exclude the site.
- 7.8 The wording of TAN 15, specifically Section 6 "Justifying the location of development", deals with new development. It is acknowledged by the LPA that the site is brownfield in character and has been the subject of numerous planning applications stretching back to

December 1971. Research of historical maps has shown that there was also a candle manufactory at the site.

- 7.9 The sensible interpretation of this background is that, although TAN 15 should be used as a guide to good practice, it is not prescriptive in this case because the site is a brownfield site. The Applicant accepts that, even though the site is probably outside of the true C2 zone in this locality, it would be prudent to commission a flood risk assessment and to raise the levels at the site to minimise any future risk of flooding.
- 7.10 Although the site is shown partly to be within the 1% floodplain of the Afon Cynon, the information supplied by the EAW is contradictory and that the flood plain map is probably in error and should be re-drawn to exclude the site. The EAW historical records are at odds with the previous owner's (who owned the site pre 1971) contention that the site had never flooded. Even though there are currently no formal flood defences at the site, apart from its elevated level, the Applicant will install defences, based on a detailed flood risk assessment, should the appeal be successful. The detail of any defences will be agreed with EAW prior to construction.
- 7.11 It is recognised that, should the application be successful and the site re-developed for domestic use, property insurers will only offer cover if flood risks can be shown to have been identified and then minimised or eliminated. The Applicant will undertake a flood risk assessment by a firm of specialist consulting engineers and be bound by their recommendations. The implications of the recommendations will be discussed with EAW prior to implementation and re-development of the site.
- 7.12 The Applicant has not submitted a Flood Consequences Assessment in support of the scheme. An Assessment was requested, but not submitted by the 12 July 2005 deadline.

8. Conclusions

[Source material is identified in brackets throughout the text.]

Main Issues

- 8.1 In my opinion there are three main issues to be considered in the determination of this planning application. These concern the Green Wedge, development in the flood plain and access to the site. They are outlined as follows:-
 - 8.1.1 Whether the development comprises inappropriate development in a Green Wedge;
 - 8.1.2 the effect of the development on the character, appearance and openness of the Green Wedge;
 - 8.1.3 whether there are any material considerations which would comprise the very exceptional circumstances needed to outweigh the harm by reason of inappropriateness and any other harm to the openness of the Green Wedge.
 - 8.1.4 whether the development conflicts with policies concerning development in flood plains;
 - 8.1.5 whether there are any material considerations which justify a departure from policies restricting development in a C2 zone;
 - 8.1.6 the effect of the project on highway safety.

Green Wedge Issues

- 8.2 The application site is within a Green Wedge as defined by development plan policy. [p3.1]
- 8.3 By definition residential development is inappropriate within a Green Wedge. Inappropriate development should not be granted planning permission except in very exceptional circumstances.[p3.3].
- 8.4 The appeal site is currently in a dreadful mess. It is accepted that residential development would tidy up the appearance of the site and remove the dereliction. It is also accepted that the site has a commercial history as brownfield land, but has no present extant commercial use or planning permission. However, in my opinion, the untidy and derelict condition of the site (Photographs in Document 6) does not translate into the very exceptional circumstance that is needed to outweigh the harm by reason of inappropriateness and any other harm to the openness of the Green Wedge. The untidiness could be cured by other remedial works more appropriate to a rural area. Moreover, it would, to my mind be a dangerous precedent to consider an untidy and derelict condition as a very exceptional circumstance. To do so could encourage others to allow their land to fall into decay and disrepair in the hope they too might be accorded the very exceptional circumstances needed to construct inappropriate development in the Green Wedge. [p2.4;3.3;4.6;4.7;6.1;7.5]
- 8.5 The site had a commercial history but no live planning permission. This ceased with the death of Mr Welch. Despite the commercial history of the site it is, in my opinion, more closely related to the rural aspects of the river valley than it is to the built up area on the opposite side of the A4059. From this perspective I consider that its residential development would harm the rural character and appearance of the area, mar the openness of the Green Wedge in this location and contribute to the coalescence of settlements. These

matters would be in breach of both national policy and policies in the Development Plan. [p2.6;3.1;3.2;3.3;4.3]

- 8.6 In summary, on the Green Wedge Issue, I find no very exceptional circumstances that would permit residential development, defined as inappropriate, in this location within the Green Wedge.

Flooding Issues

- 8.7 TAN 15, at paragraph 5.1 (Fig 2) describes all residential premises as highly vulnerable development. The site is classed as being within an area of floodplain, without significant flood defence infrastructure, defined as C2. Paragraph 6.2 states that highly vulnerable development and Emergency Services in zone C2 should not be permitted. As a matter of fact, to permit the development to proceed would breach national planning policy. [p3.4;5.2]
- 8.8 A large part of the site is within the C2 zone comprising the unprotected 1% (1 in 100) flood plain of the Afon Cynon. I accept that there is some uncertainty regarding the precise river levels linked to flooding events and that there is a difference in the values given in the submissions. Nevertheless, it is clear that water levels would be close to existing site levels and this is not in dispute. No evidence or Flood Consequences Assessment has been submitted to demonstrate the extent of the 0.1% flood event or if the site would be flood free during such an event. No conclusive evidence has been submitted regarding the potential for raised site levels, out of reach of flood water, or the consequence of such works on other areas of the flood plain. No assessment has been submitted to show the type of flood mitigation that might be incorporated into proposed dwellings or any proposal for flood warnings mechanisms or their appropriateness in this location. [p5.2;5.3;5.7;7.7;7.12]
- 8.9 I accept that it would be possible to raise the site level out of reach of flood water, but potentially this would take up storage space within the flood plain. I acknowledge that this would be a minimal requirement. However, if such a loss is considered acceptable it could be used as a precedent to accept other projects which would result in lost storage volume. Cumulatively such incremental loss could have serious consequences for the flood regime of the Afon Cynon and cause a rise in flood water levels elsewhere in the river valley. [p5.3]
- 8.10 In my opinion, in view of the lack of information regarding flood consequences concerned with this site and the potential for harm to both life and property from flood water I consider that there are no wholly exceptional circumstances which justify a departure from policies restricting residential development in a C2 zone. Furthermore, based on the precautionary principles outlined in Planning Policy Wales, I consider that planning permission should not be granted for the residential development of the site. [p5.5.1;5.8]

Highway Issues

- 8.11 The access to the site is narrow and provides a shared function as a public footpath. (Document 6). The highway alignment is not, in my opinion, conducive to high vehicle speed, but it can be negotiated safely. Moreover, there are inter-visible passing places available for opposing vehicles. In my opinion the entrance to the site is capable of improvement together with the provision of passing bays. I consider that the small traffic volumes that would be generated by the proposed use, would be unlikely to materially harm highway safety in the locality. From my site inspection, I take the view that the access route is capable of accepting the traffic flow from an additional four houses. Therefore, had I

been able to conclude favourably on the first two issues, I would not have considered that the provision of an access would be harmful to highway safety. [p4.8]

Summary of Conclusions

- 8.12 Firstly, I find no very exceptional circumstances that would permit inappropriate development within the Green Wedge. Secondly, on the matter of flooding, I find no material considerations which justify a departure from policies restricting development in a C2 zone. Thirdly, I find that it would be possible to provide an acceptable access. Overall I consider that the negative aspect of the first two issues overwhelms the favourable conclusion on the third issue, to the extent that planning permission should not be granted.
- 8.13 In reaching this conclusion, consideration has been given as to whether the development could be made acceptable by the imposition, on a grant of planning permission, of appropriate conditions, as suggested in outline by the Council. However, it is not considered that any conditions could be framed which would comply with the recommendations of the relevant Circular, and which would overcome the planning objections which are set out in the first two issues. However, should the decision be made to grant planning permission then the planning conditions suggested in outline by the Council offer appropriate guidance for this route.(p4.10)

9. Recommendation

- 9.1 That planning permission be **not** granted for the project.

A handwritten signature in black ink, appearing to read 'A. H. Vaughan', with a horizontal line underneath the name.

Anthony H Vaughan

APPEARANCES

FOR THE APPELLANT:

Mr J Perkins BSc CEng MICE Joda Topographics, Cynon House, Abernant Road,
Aberdare.

Mr K G Sullivan 36, Brondeg, Cwmbach.

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Cunnane Planning, Conservation and Building Control Manager,
RCTCBC.

FOR THE ENVIRONMENT AGENCY WALES

Ms J Walters Technical Specialist, Planning Liaison, EAW, Rivers
House, St Mellons Business Park, Cardiff.

Mr G Purnell BSc(Hons) Technical Specialist, Development Control, EAW,
Rivers House, St Mellons Business Park, Cardiff.

INTERESTED PERSONS:

Councillor A Christopher Councillor RCTCBC and Deputy Leader.

Mrs I M Evans 2 Ynysllwyd House Farm, Aberaman.

Mrs G Boulton The Willows, Gwalia Terrace, Aberaman.

DOCUMENTS

Document 1 List of persons present at the Hearing.

Document 2 Notice of Hearing.

Document 3 Copy of planning permission personal to Mr R G Welch.

Document 4 Report by Joda Topographics.

Document 5 Submissions from the EAW with flood zone map.

Document 6 Statement of LPA with attachments.

Document 7 Statement by Applicant