

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
2 NOVEMBER 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
APPLICATIONS RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No 17/0163 - Proposed dwelling, land adjacent to Trelawney, Rhyd-Y-Nant, Pontyclun.
2. Application No 17/0538 - Outline application for proposed residential development of 9 dwellings, Bodwenarth Quarry Disused, Bedw Road, Cilfynydd, Pontypridd.
3. Application No 17/0785 - Proposed detached two storey dwelling including a detached garage and turning area. (Re-submission) (Amended Site Location Plan and supporting information received 16/08/17), rear of 132 Bute Street, Treherbert, Treorchy.

APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 17/0163/10 (GW)
APPLICANT: Mrs A D Smart
DEVELOPMENT: Proposed dwelling.
LOCATION: LAND ADJACENT TO TRELAWNEY, RHYD-Y-NANT,
PONTYCLUN, CF72 9HE
DATE REGISTERED: 16/08/2017
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Refuse

REASONS:

The planning application proposes highly vulnerable development (housing) within Zone C2 of the Development Advice Map contained in Technical Advice Note (TAN) 15: Development and Flood Risk.

Section 6.2 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, affirms that highly vulnerable development should not be permitted in Zone C2 and this policy position has been recently confirmed through a decision made by Welsh Ministers.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to Service Director Planning as the proposal is contrary to the provisions of the Development Plan.

A request has been received from Councillor Griffiths for the matter to come to Committee for the reason that the development could be visually intrusive and may result in highway problems.

APPLICATION DETAILS

Full planning permission is sought for the erection of a two bedroom dwelling within the garden area of a property called Trelawney on Rhyd-y-Nant in Pontyclun. The dwelling would replace an existing garage and summerhouse. Living accommodation would be on the ground floor and within the roof space. Dormer windows would be provided on the front and back of the property. Two parking areas would be provided either side of the dwelling. At the lower ground level would be a partly open undercroft area.

The application is supported by a:
Flood Consequence Assessment

SITE APPRAISAL

The application site is part of the garden of a detached dwelling, sited within a residential cul-de-sac development on Rhyd Y Nant, Pontyclun. The dwelling occupies a spacious end plot and has a two-storey design. The property benefits from an enclosed rear garden and large front and side garden that provides off street vehicle parking facilities. There is a detached garage structure and a wooden summer house and decking (raised on stilts) sited within the front garden of the property. The landscaped front garden slopes away from the vehicular highway of Rhyd Y Nant and is abutted to its southern and western sides by an open green area and the Ely River.

PLANNING HISTORY (Relevant to application)

10/0510/10	Trelawney, Rhyd y Nant, Pontyclun	Summer house in front garden and extension of garden curtilage	Refused 23/02/11 Appeal Allowed 27/07/11
91/0898	“	“	Detached Garage Granted 08/01/92
91/0503	“	“	Single Garage Granted 25/09/91

PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. One local resident has submitted correspondence at the time of writing this report and their comments are summarised below:

- Proposed demolition and building works will cause disturbance.
- Construction vehicles may cause traffic problems on approach roads.
- Off-street parking provision will cause difficulty given the size and topography of the site. A granny flat at the property results in a greater parking requirement. One of parking spaces may involve the removal or relocation of the street lighting post.
- Any additional traffic will exacerbate the existing vehicle congestion in the locality.
- A dwelling with a very high pitched roof (higher than the existing garage) and gable windows will not fit into the existing street scene. There would be virtually no front garden.

- Engineering works required would be very close to the road, river and flood plain. The stability of the surrounding land may be compromised.
- Size of development appears to be an overdevelopment of the site.
- On site foul and sewerage system is proposed. If any leachate results there could be pollution to the river.
- The previous application was refused for the summer house as the site was outside the village boundary. The appeal approval should not be a precedent for the approval of residential development.
- This would be development in the front garden and may set a precedent for other development on the estate.

CONSULTATION

Countryside Section – the evidence suggest that bat roost potential of the building to be demolished is minimal and it would be unreasonable to require a bat survey. A bat informative note will be needed on any planning permission.

Dwr Cymru/Welsh Water – no objection subject to a condition requiring that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Flood Risk Management – no objection subject to drainage details by condition.

Natural Resources Wales – no objection. The planning application proposes highly vulnerable development housing, within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ely.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

Notwithstanding this policy advice, the decision as to whether a development is justified is entirely a matter for your authority. For this reason, we have reviewed the flood information that has been submitted in support of the application, to enable us to provide you with technical advice on the acceptability of flooding consequences in terms of risks to people and property.

The submitted drawings show that the ground floor Finished Floor Level (FFL) of the proposed dwelling will be set at 41.88m AOD. This is above the predicted 1 in 100 year plus climate change and 1 in 1000 year flood levels. This is in line with the guidance set out on in A1.14 and A1.15 of TAN15 and therefore on this basis, we offer no objection to the proposals.

However, we understand that there will be structural supports for the dwelling and that a lower ground floor area will be created for storage purposes, as shown on Drawing 02, Rev D. The storage area is proposed to have a FFL of 39.18m AOD and will be boarded with wood panels. We also note that 'self-closing flood drains' will be included in the design. With a FFL of 39.18m AOD, this lower ground floor area would be at risk of flooding during a 1 in 75 year (max predicted depth 2.44m), 1 in 100 year plus climate change allowance (max predicted depth 3.07m) and the 1 in 1000 year (max predicted depth 4.44m) flood events.

As such, we advise that should your Authority be minded to grant permission for this development, you should be satisfied that this area will be retained for storage use only in the future, in order to minimise the potential flood risks and consequences should a flood event occur. Furthermore, you should be aware that we are not able to comment on the structural suitability and integrity of proposed design should a flood event occur. We therefore recommend that you consult with other professional advisors as needed, in order to satisfy yourselves that the proposed design is appropriate. We refer you to paragraph A1.12 of TAN15 in this regard, which states that a site should only be considered for development if it is '...designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.'

Public Health and Protection – no objection subject to conditions on the demolition of dwellings, hours of operation during construction, noise, dust, waste and contamination due to previous land uses.

Structural Engineer – a condition requiring a structural report to meet the requirements of TAN 15 paragraph A1.12 for the lower ground.

Transportation Section – no objection subject to conditions. There is concerns with the intensification of use of the sub-standard turning area at the western end of Rhyd-y-Nant, however, when considering the nature of Rhyd-y-Nant and the scale of the proposed development, the concern is not significant enough to warrant highway objection.

There is concern with the shortfall of 1 off-street parking space for the existing dwelling and potential for consequent on-street parking taking place in the existing sub-standard turning area, however, when considering the cul-de-sac nature of Rhyd-y-Nant, with low traffic speeds and volumes, the concern is not significant enough to warrant a highway objection.

Wales & West Utilities – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The majority of the site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. It is partly within a Special Landscape Area (SSA 23.2), Site of Important Nature Conservation (AW8.97) and an area of Limestone Resources (AW14).

Policy CS2 - sets out criteria for achieving sustainable growth including: promoting residential development with a sense of place and focussing development within defined settlement boundaries;

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

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

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

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

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

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

Policy AW14 – safeguards minerals from development that would sterilise them or hinder their extraction.

Policy SSA13 – provides criteria for housing development within settlement boundaries.

Policy SSA23 – Identifies Special Landscape Areas. Development within the defined Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

Supplementary Planning Guidance

Access Circulation and Parking
Design and Placemaking
Nature Conservation

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local

Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) 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 5: Nature Conservation and Planning;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development; and
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development.

The site is located partly outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan. However previously the applicant extended their garden curtilage and built a summer house on the land. This was retrospectively granted planning permission at appeal following the refusal of the planning application (10/0510/10).

The proposed dwelling would replace an existing garage and the summerhouse and would be built on the land that has been approved as garden curtilage for Trelawney.

The new dwelling would be serviced off the existing cul-de-sac as the existing dwellings are on Rhyd-y-Nant. In terms of whether the dwelling is in a sustainable location it is considered there would not be a significant difference between the existing dwellings and the proposed in these terms.

Much of the site however lies within Zone C2 (areas of the floodplain without significant flood defence infrastructure) of the Development Advice Maps referred to in Technical Advice Note (TAN) 15: Development and Flood Risk.

Section 6.2 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, affirms that highly vulnerable development should not be permitted in Zone C2.

Whilst it is noted a Flood Consequence Assessment has been submitted and Natural Resources Wales (NRW) doesn't object subject to the Local Planning Authority finding the development acceptable. It should be noted that a recent appeal decision (for application 15/1295/13) and subsequent call in procedure for a decision by the Welsh Ministers has clarified that whilst justification tests can be applied to less vulnerable development, these should not be taken into account when highly vulnerable development (housing) is proposed in or partially within a C2 Flood Risk Zone.

As such, it is considered therefore that the principle of residential development of the site would not be acceptable.

Other issues

Impact on the character and appearance of the area and on residential amenity

The site is partly within a Special Landscape Area, however it has now been incorporated within the curtilage of Trelawney and has the visual appearance of being part of a domestic garden. Although the dwelling would be sited to the front of Trelawney, it would not lie between the dwelling and the road.

The objector suggests that the proposal represents overdevelopment of the plot. Trelawney occupies a spacious end plot and has a substantial area of open useable garden space. This would be largely retained and the proposal would not therefore amount to an overdevelopment of the site.

The objector also considers the dwelling would not visually fit in with the street scene. Whilst the proposed dwelling would be of a different design to existing dwellings on Rhyd-y-Nant it is not considered the visual impact would result in a significant detrimental impact on the character of the area.

The dwelling would be of sufficient distance from other dwellings so that it would not result in a significant detrimental impact on residential amenity. The objections raised with regard to the impact from construction works are noted, however it is not considered these issues would warrant a refusal reason for this application.

Therefore, it is considered the proposal would not result in a significant detrimental impact on the character of the area or on residential amenity.

Access and highway safety

The objector points out that the area experiences congestion and the dwelling would add to this. It is considered one additional dwelling would not have a significant impact on the existing situation and that this would not warrant a refusal reason. No objection has been raised by the Council's Transportation Section on the access or parking provision. The suggested condition for traffic management and wheel washing is considered not necessary and can be controlled by other legislation.

Ecology

The site is partly within a Site of Important Nature Conservation (SINC). However the site is now within the garden curtilage of Trelawney. The proposal would replace existing structures and would not extend significantly beyond these. No objection has been raised from the Countryside Section and it is considered the proposal would not warrant a refusal reason on this issue.

Public Health and Protection Comments

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

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. 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 current indexation) for this development is expected to be £12,282.14.

Conclusion

The proposal is for highly vulnerable development (housing) within a C2 flood zone and would not be considered acceptable development (Policies AW2 and AW10 and TAN15 – Development and Flood Risk).

RECOMMENDATION: Refuse

1. The planning application proposes highly vulnerable development (housing) within Zone C2 of the Development Advice Map contained in Technical Advice Note (TAN) 15: Development and Flood Risk. Section 6.2 of TAN15 affirms that highly vulnerable development should not be permitted in Zone C2. As such the development would be contrary to Technical Advice Note (TAN) 15: Development and Flood Risk and Policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 17/0538/13 (HW)
APPLICANT: The Cosslett Family Discretionary Trust
DEVELOPMENT: Outline application for proposed residential development of 9 dwellings.
LOCATION: BODWENARTH QUARRY DISUSED, BEDW ROAD, CILFYNYDD, PONTYPRIDD
DATE REGISTERED: 30/08/2017
ELECTORAL DIVISION: Cilfynydd

RECOMMENDATION: Refuse

REASONS:

While the principle of developing this existing industrial land within a predominantly residential area is considered acceptable, it is considered that due to the proximity of the old quarry faces, evidence is required to demonstrate that these are stable and do not pose a safety risk to the new residential development from falling rock. In addition, the land surrounding the site is considered likely to require appropriate management arrangements going forward to ensure the continued safety of the proposed residential development and the appropriate protection of biodiversity on the quarry sides. Despite a request to the applicant, insufficient information has been submitted on these points in order to allow a positive determination of the application.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning permission with all matters reserved is sought for 9 dwellings on the site of the former Bodwenarth Quarry, Cilfynydd.

The indicative layout shows nine detached houses. Two of these front and are accessed directly from Bedw Road. Seven of these are accessed from a road which utilises the existing access to the quarry. The existing access is shown as being altered to make the junction perpendicular with Bedw Road and provide a proper kerb radius, as well as a footway to the north side of the access road.

The indicative layout shows a strip of land that forms part of the quarry edged in blue around the outer edge of the red line site boundary. In addition, the indicative layout does not show the layout filling the whole site within the red line boundary. It is not clear what will be happening to the remainder of the land within the red line boundary

nor the land within the blue line, although the Design and Access Statement suggests that it will be a “landscape and biodiversity element of the overall development”, which includes the existing waterfall (see below).

As well as the plans a Planning Statement, Design and Access Statement, Preliminary Land Quality Risk Assessment and Preliminary Ecological Appraisal have been submitted with the application.

SITE APPRAISAL

The site is a long disused quarry, and it does not appear that it has been worked as a quarry in the post-war period. It is 0.56 hectares in size and is currently occupied by a civil engineering business. There are several construction vehicles on the site. It is understood the business has occupied the site since the 1960s.

The site contains an office building in the north and apart from that is an open yard. The quarry is surrounded by well vegetated rock faces in the south, east and north. No information has been submitted to indicate the height of these, but they represent a substantial sheer drop. There is a waterfall in the south west of the site, which falls over the quarry side and into a culvert. There is a smaller rock face in the north west adjacent to Bedw Road. The indicative layout suggests work will be required to reduce this to accommodate plot 2. It has however been noted that some unauthorised works have been carried out on this rock face, which are currently subject of an enforcement investigation.

The access to the quarry is from Bedw Road and is on the western tip of the site. It also is used to access a rear lane behind properties on Cilfynydd Road. The north western side of the quarry is bound by Bedw Road, the house Bryn Bedw lies immediately to the north, and there is residential development at a higher level at the top of the rock face to the east.

PLANNING HISTORY

The relevant planning history for this site is as follows:

04/1421	Variation of condition 1 of 99/2640	Granted 22/10/04
99/2960	Two storey office block and associated improvements	Granted 22/10/99
79/417	Construction of a single storey office block	Granted 05/06/79
78/1255	Office workshop and storage (outline)	Granted 10/07/79
78/255	Stores extension	Granted 07/03/78

77/667	Outline workshop and storage extension	Granted 20/09/77
77/1299	Workshop and storage extension	Granted 20/10/77
76/973	Office extension	Granted 21/09/76

PUBLICITY

Site notices were placed in the vicinity of the site and letters were sent directly to neighbouring properties. In addition a notice was placed in a local newspaper due to this application being a departure to the Local Development Plan.

- Four letters of objection have been received to this proposal. The concerns raised are summarised as follows:
- The site is not within the settlement boundary;
- The site has not been allocated for housing;
- The site is within a sandstone safeguarding area;
- Concerns the south of the County Borough is struggling to take any more development;
- The development may exacerbate existing traffic congestion in Cilfynydd;
- Highway safety concerns due to the location of the junction;
- That the lane to the rear of Cilfynydd Road may be blocked or access compromised;
- Loss of landscape around the quarry, particularly the vegetated quarry faces;
- Concern regarding rock falls;
- The development may impact on bats;
- Concerns that the waterfall may be a noise nuisance and cause flooding;
- Concern regarding light and noise pollution to the surrounding area;
- The site should remain as it is and is not considered unsightly as suggested by the application;
- The development may impact on the car repairs business opposite;
- No further social housing is required in the area;
- Concerns the housing may be proposed as social housing;
- Damage due to construction.

It should be noted that the land ownership was queried by a local resident. It was subsequently found that this person owned a small part of the land within the application boundary. A "Certificate B" has therefore been submitted with the application.

CONSULTATION

Highways Development Control - object due to concerns regarding the location of the access and the lack of detail regarding how it will serve the existing lane to the

rear of Cilfynydd Road. Also have concerns that vehicles currently reverse on to Bedw road from Bodwenarth Road opposite the site, which could cause conflicting reversing movements with the plots which are directly accessed from Bedw Road.

Countryside - concerns regarding management and aftercare of the vegetated quarry sides, including the management of the waterfall.

Public Health and Protection - no objection subject to conditions.

Land Reclamation and Engineering - no objections raised, subject to conditions.

Housing Strategy - two three-bedroom housing units should be made available for Low Cost Home Ownership.

Corporate Estates - concerns regarding an easement on the site.

Natural Resources Wales - no objections subject to conditions.

Dwr Cymru/Welsh Water - no objections raised, subject to conditions.

Wales and West Utilities - no objections raised.

Coal Authority - no objection raised.

Western Power Distribution - no comments made.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The site is outside but adjacent to the settlement boundary.

The following policies are considered relevant to this development:

Policy CS2 - Development in the South

Policy AW1 - Supply of New Housing

Policy AW2 - Sustainable Locations

Policy AW5 - New Development

Policy AW6 - Design and Placemaking

Policy AW8 - Protection and Enhancement of the Natural Environment

Policy AW10 - Environmental Protection and Public Health

Policy AW11 - Existing Employment and Retail Uses

Policy SSA11 - Housing Density

Policy SSA12 - Affordable Housing

The following Supplementary Planning Guidance (SPG) is considered relevant:

- Affordable Housing
- Nature Conservation

- Planning Obligations
- 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.

Chapters 4 - Planning for Sustainability and 9 - Housing are considered relevant to this development.

REASONS FOR REACHING THE RECOMMENDATION

The Principle of the Development

It is noted that the development is outside the settlement boundary and therefore this is considered a departure from the Development Plan.

However, the development is within a largely residential area, with residential development to the north, west and east of the quarry. The development is on brownfield land. It is therefore considered that the location is sustainable under Policy AW2 of the Local Development Plan. It is also considered that in principle the use of the site for residential development would be more suited to the surrounding residential area than the current use. It is not considered that the proposal causes any significant issues with the availability of employment sites. Therefore the proposal is considered acceptable under Policy AW11 of the Local Development Plan.

Given the above, the principle of developing the site for a residential use is considered acceptable, subject to other material considerations being satisfactorily addressed.

Survey/ Management of the Rock Faces

The site is surrounded by well-vegetated rock faces, which leads to concerns regarding the management that they may require in the future and how this will occur.

In the north of the site, the rock face lies alongside the gardens of plots 6 and 7 shown on the indicative layout, and close to the dwellings shown on this plan. The rock face lies alongside the access road in the south. In the east, where the waterfall is located, the rock face is located further away from the proposed dwellings.

The concern is that once the site is broken up into residential units, this will cause difficulties for the future management of the rock faces. No survey information has been submitted to confirm the stability of the rock faces, the likelihood of falling rock

and whether any buffer may be required to prevent a safety risk to new residents in this respect. In addition, there is concern that any impacts in respect of the above could be exacerbated by the removal or mismanagement of vegetation, and no information has been supplied to show how the rock faces will be managed in the future if necessary to prevent this and ensure impacts from any rock falls are minimised. This is considered particularly an issue in respect of any plots where the rock face will form part of the boundary of the curtilage, as this will leave residents more vulnerable to any impacts and will increase the likelihood of inappropriate vegetation management.

This information has been requested from the applicant, who has responded by saying that there is no evidence of instability and no works or monitoring are necessary. They argue that the situation would be unchanged as there is an existing use in the quarry, and that in any case the details can be considered at Reserved Matters stage. They do not feel that any specific ecological or landscape mitigation is required as the rock faces and surrounding land are not subject to any protection at present and are largely outside the boundary of the site.

The above comments are disputed. While it may be that there are no issues regarding instability or falling rock, no evidence has been submitted in this respect as described above. It is considered that the change of use would present a change in circumstances as at present the site is run and managed as one entity, where as a development of nine residential units results in it being broken up. Although the rock faces are partially outside the red line boundary, they are all within the blue line boundary, indicating ownership of the land, and are still a material consideration in the development of the site. While it is accepted that the ecological value of the rock faces is not enough in itself to require management through the planning process, there is concern that a lack of management or inappropriate management could cause problems with falling rock and this is why further information has been sought. It is not considered that these matters can be determined at reserved matters stage as they are fundamental to whether the site can be appropriately developed for housing, and they are not considered form part any of the matters able to be reserved in any case.

Therefore, in the absence of further information, as outlined above, the application is recommended for refusal.

Highway Safety

Highways Development Control have raised concerns due to the junction being in close proximity to the acute angle junction between Bedw Road and Cilfynydd Road and the potential for vehicular conflict as a result. In addition, they have concerns that the layout plan does not show the arrangement for access with the lane to the rear of Cilfynydd Road. They have also raised concerns that vehicles currently reverse on to Bedw Road from Bodwenarth Road opposite the site, which could cause conflicting reversing movements with the plots which are directly accessed from Bedw Road. Consequently, objection to the proposed arrangement is raised in the absence of an appropriate highway solution for the proposed development.

OTHER ISSUES

It is considered that the site can be developed without significantly impacting on the amenities of neighbours.

In respect of affordable housing, two Low Cost Home Ownership Units have been requested by Strategic Housing. However, the final tenure of any development is not known at this stage.

In respect of sandstone safeguarding, there is not considered to be a realistic prospect of the quarry being worked again, given the surrounding development. Therefore this is not considered a significant issue.

In respect of the easement for the existing culvert raised by Corporate Estates, the applicant has acknowledged the presence of this and has taken account of it in their Indicative Layout.

COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

CONCLUSION

For the reasons above, the proposed development is considered unacceptable in terms of highway safety and there is considered to be insufficient information available to support the positive determination of this application, and it is therefore recommended that planning permission is refused.

RECOMMENDATION: Refuse

1. Insufficient information has been submitted in respect of whether the rock faces surrounding the site would be stable, the likelihood of falling rock and whether it can be managed appropriately, whether any buffers would be required between the rock faces and any residential development and any vegetation management that would be required to prevent falling rock. Therefore, it is not considered that the application demonstrates that a residential scheme can be developed that does not unacceptably impact on public safety, particularly the safety of future residents and the proposal is thus considered contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan.
2. Highway objection is raised to the proposed development for the following reasons:-
 - i) The applicants have not demonstrated that a satisfactory access can

be provided to serve traffic generated by the proposed development.

- ii) The proposed development will create traffic hazards to the detriment of highway safety.
- iii) The proposed development will generate additional vehicle turning movements, creating further traffic hazards to the detriment of highway safety.
- iv) There are insufficient details of the proposed access and in particular in relation to its proximity to the other sub standard junctions to enable an assessment of highway safety considerations to be made.

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APPLICATION NO: 17/0785/10 (KL)
APPLICANT: Mr Ian McGhee
DEVELOPMENT: Proposed detached two storey dwelling including a detached garage and turning area. (Re-submission) (Amended Site Location Plan and supporting information received 16/08/17).
LOCATION: REAR OF 132 BUTE STREET, TREHERBERT, TREORCHY, CF42 5PD
DATE REGISTERED: 16/08/2017
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: Refuse

REASONS:

Whilst the application site is located within the defined settlement boundary, it is located at the rear of the main shopping street in Treherbert (Bute Street) with access via a sub-standard lane which will create increased traffic hazards to the detriment of highway and pedestrian safety. The access lacks an adequate turning area for vehicular turning movements to and from the site and both carriageway lanes on a strategic route (A4061) would be required to access the lane. Furthermore, the access lacks adequate visibility due to on-street car parking pressure.

Whilst it is noted that 3 letters of support have been received in relation to the visual and security benefits of the proposal, it is not considered that these issues would overcome the significant concerns raised by the Council's Transportation Section.

REASON APPLICATION REPORTED TO COMMITTEE

Requests have been received from Councillor Jones and Councillor Davies for the matter to come to Committee for the following reasons;

- To consider the visual impact of the proposed development on the surrounding area.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached dwelling on a parcel of land at the rear of no. 132 Bute Street, Treherbert. The application represents the re-submission of a previously refused application (planning ref. 17/0168) for an almost identical scheme.

The proposed dwelling would be sited centrally within the plot with a detached garage and driveway to the south-eastern side. Access would be provided via a privately maintained access lane between no's 131 & 132 Bute Street.

The dwelling would measure 9.8 metres in width by 6.8 metres in depth with a pitched roof design which would measure 7.8 metres in height to the ridge and 5.4 metres to the eaves. Living accommodation would be arranged over two floors, consisting of an entrance hallway, lounge, open-plan kitchen-diner, WC and utility room at ground floor and 4 bedrooms (1 with an en-suite bathroom) and a family bathroom at first floor. Externally, the dwelling would be finished with facing brickwork, reconstituted slate and brown uPVC windows and doors. The site would be enclosed with timber board fencing and wrought iron gates supported by brickwork piers.

The proposed garage would measure 4 metres in width by 6 metres in depth with a pitched roof design which would measure 4.1 metres to the ridge and 2.6 metres to the eaves. It would be externally finished with materials to match the main dwelling. The driveway to the front of the garage would be finished with self-draining Cotswold stone chippings. Together, the driveway and garage would provide three off-street car parking spaces within the site.

The application is accompanied by the following supporting documents:

- A Transport Statement (commissioned by Asbritransport).
- A Design and Access Statement.
- Three letters of support from nearby residents.

SITE APPRAISAL

The application site relates to an irregular shaped parcel to the rear of no. 132 Bute Street, Treherbert. It measures approximately 570 m² and is relatively flat in profile. A large outbuilding which is being used for the kennelling of several dogs currently occupies the north-western corner of the site with a further steel container being located towards the centre. The remainder of the site is laid to lawn. The site is enclosed by of a mixture of timber and palisade fencing.

Access to the site is via a privately maintained lane between no's 131 & 132 Bute Street to the north-east. The lane serves the rear of properties on the southern side of Bute Street as well as a number of domestic-style garages to the north-west of the application site. The River Rhondda is located immediately to the south-west.

The surrounding area is characterised by a mixture of commercial and residential properties which are located at least 30 metres to the north-east and approximately 19 metres to the south-west (on the other side of the River Rhondda). Properties are predominantly two-storey or split-level terraced properties.

PLANNING HISTORY

17/0168	Land rear of 132 Bute Street, Treherbert	Proposed detached two-storey dwelling including detached garage	Refused 11/05/17
01/6236	Land rear of 135-136 Bute Street, Treherbert	Continuation of use of land as paddock area and stables	Granted 07/09/01

PUBLICITY

The application has been advertised by means of direct neighbour notification and the erection of two site notices near to the access lane at Bute Street. Whilst no letters of objection or representation have been received as a result of this exercise, three letters of support have been submitted as supporting documents to the application (signed by adjoining landowners and nearby residents) and are summarised as follows:

- The development would offer my own plot a lot more security and would also make the area look tidier;
- We have never had any difficulties passing on the access lane with trailers;
- A dwelling would be considerably better than the current use as part stables and part storage;
- It would improve the outlook of the lane and will offer much better security and visuals from my own property;

CONSULTATION

Countryside, Landscape and Ecology – no comments received in relation to ecology.

No relevant SewBrec Records of Statutory Protected Species from the immediate vicinity. However, an appropriate bat informative note will be needed on any planning permission.

Flood Risk Management – no objection subject to condition.

Natural Resources Wales – no objection.

Public Health – no objection subject to conditions.

South Wales Fire Safety – no objection subject to the applicant being made aware of the need for the provision of:

- a) adequate water supplies on the site for firefighting purposes; and
- b) access for emergency firefighting appliances.

Transportation – objections raised.

Wales and West Utilities – no objection.

Welsh Water – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary for Treherbert and is within a Flood Risk Area (Zone C2).

Policy CS1 – encourages sustainable growth in the south of Rhondda Cynon Taf through protecting the culture and identity of communities by focusing development within defined settlement boundaries.

Policy AW1 – identifies the sources of land for new housing, which do not include land outside the defined settlement boundaries.

Policy AW2 – promotes 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 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 noise and air pollution.

Policy NSA12 – gives criteria for housing development within settlement boundaries. Development will not be permitted outside the defined settlement boundaries.

Supplementary Planning Guidance:

Design and Placemaking

Delivering Design & 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 8 (Transport) and 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 12: Design

PPW Technical Advice Note 15: Development and Flood Risk

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:

The application proposes the construction of a single residential dwelling with dedicated off-street parking on a parcel of land that is located inside the defined settlement limits. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition to this, it will also be necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the surrounding area. The implications of the development upon highway safety in the vicinity of the site are a further consideration.

Principle of the proposed development

The application relates to the construction of a residential dwelling on a small parcel of land behind the main residential and commercial area of Treherbert. Although not forming part of the established built up area, the site is located within the defined settlement boundary where residential development would usually be permitted, subject to an assessment of other policies within the Rhondda Cynon Taf Local Development Plan. The principle of the development is therefore considered to be acceptable subject to an assessment of the criteria set out below.

Impact on highway safety

The application has been subject to consultation with the Council's Highway's Section with a view to assessing the impact of the proposal on highway safety. The response received acknowledges that the proposed dwelling would benefit from 3 off-street car parking spaces which would comply with the Council's SPG: Access, Circulation and Parking. However, significant concern has been raised with regard to the means of access to the proposed dwelling. The dwelling would be accessed via a privately maintained lane between no's 131 & 132 Bute Street which is considered to be sub-standard to serve as a primary means of access for the following reasons:

1. There is a lack of width boundary to boundary with a lesser metalled running width to accommodate safe two way vehicular movement given the type of vehicle generate by the proposal (i.e. service and delivery vehicles).
2. The transport statement indicates that trips to and from the proposed dwelling will be comparable to the existing use which has horses stabled and dogs in kennels. The lane is acceptable for secondary off-street car parking and limited vehicular use only and it is not considered to be satisfactory for a primary use which would require increased vehicular movements by all types of vehicle, including delivery and service vehicles especially with the on-set of internet shopping.
3. There is a lack of suitable junction radii to accommodate the type of vehicle generated by the proposed dwelling. This is further impacted on by the high on-street car parking demand along Bute Street and in the vicinity of the junction to the detriment of safety of all highway users. The applicant is not in control of the land to provide for a satisfactory junction onto Bute Street due to the adjacent dwellings and retail units.
4. There are no segregated footway facilities meaning pedestrians are forced to share the same surface as moving/reversing motor vehicles to the detriment of all highway users and free flow of traffic. The transport statement indicates that the lane access narrows to 4.1 metres which is sufficient for two standard cars only to pass one another leaving no space for pedestrians. This is of particular concern considering that vehicles would potentially be wider than the standard car (i.e. delivery and service vehicles). In addition to this, the proposal would give rise to increased pedestrian movements not only by residents of the dwelling but also by delivery personnel. The measurement of 4.1 metres has also been taken boundary to boundary where there is only metalled single track running width.
5. The lane lacks structural integrity for the type of traffic generated by the proposed dwelling and is only metalled for part of its length. The transport statement indicates that the types of vehicles that currently use the lane (i.e. horse boxes and trailers) are larger than the type of vehicles using the lane for the proposed dwelling. However, delivery and service vehicles would be in

excess of the size and weight of a horsebox and trailer and would thus lead to increased risks to detriment of safety of all highway users.

6. The transport statement Appendix B shows a swept path analysis of an 11.2m refuse vehicle turning and accessing / egress the lane in forward gear. There is concern that vehicles could be in excess of the 11.2m shown on the swept path analysis which would potentially result in reversing movements to and from the A4061 with sub-standard vision due to on-street car parking pressure, lack of street lighting and lack of segregated footway facilities to the detriment of safety of all highway users.
7. The swept path indicates that a 11.2m refuse vehicle travelling from the south would require to use both carriageway lanes on the A4061 which is a strategic route carrying substantial amount of vehicular traffic to access the sub-standard lane due to sub-standard junction radii and on-street car parking demand to the detriment of safety of all highway users and free flow of traffic.
8. The refuse vehicle is also forced to use the full width of the lane to the detriment of safety of all highway users. It is noted that this occurrence would take place on average once a week. However, dwellings would attract additional delivery movements by all types of vehicle especially given the on-set of internet shopping where by firms deliver to multiple drop off points within an area using large HGV vehicles.
9. The visibility splay at the junction of the sub-standard lane and Bute Street is considered to be acceptable. However, the access is located in the retail area of Treherbert where there is considerable demand for on-street car parking which results in vehicles parking close to the sub-standard access lane and which unacceptably reduces the available visibility splay to below the required standard.
10. There is concern that the approval of this application would encourage the adjacent land owners to apply for planning permission for residential dwellings which would further exacerbate the highway safety concerns.

Given the concerns and objections raised above, the proposal is not considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and the application would therefore not comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on the character and appearance of the area

The proposed dwelling would be sited on a plot of land at the rear of existing properties in Bute Street and it would therefore not be visible when viewed in context with the wider street scene. The site appears to be physically divorced from the existing pattern of development and the disparity between the scale and design of the proposed dwelling and those in the immediate vicinity is therefore not of significant concern.

Whilst there is some concern that the dwelling would result in a form of back land development that would not have a positive relationship with the existing pattern of development at Bute Street, it is noted that an application for a similar development was granted in 2007 at the rear of no's 103 & 104 Bute Street approximately 200 metres to the south-east of the application site (ref: 06/1474).

Taking the above into consideration, it is not considered that the proposed development would form an overly prominent addition to the surrounding area and it would therefore not have such a significant impact on the character and appearance of the surrounding area that it would warrant the refusal of the application in this regard.

Impact on residential amenity and privacy

The proposed dwelling would be sited approximately 34 metres away from the rear elevations of the nearest properties in Bute Street and at a notably lower ground level. Similarly, properties in David Street to the south-west would be located approximately 19 metres away. As such, it is not considered that the dwelling would result in an overbearing, overshadowing or overlooking impact that would be detrimental to the residential amenity and privacy of surrounding properties.

It is also noted that a number of letters have been received in support of the application. The letters state that the proposed dwelling would improve the visual amenity of the lane and would also provide security to the rear of existing properties along Bute Street as well as the existing garages immediately adjacent to the site.

Flood Risk

It is noted that part of the site is located with Zone C2 of the Development Advice Map (DAM) contained within TAN15. As such, Natural Resources Wales (NRW) has been consulted on the application.

The response received notes that the proposed development abuts Zone C2 and that there would not be any built development within this zone. Therefore, no objections have been received in relation to the proposal, providing that the developer is made aware of potential flood risks.

Other

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

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 necessary. It is considered that an appropriate informative note would be sufficient in this instance.

Other

It is noted that consultation has been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impacts upon land drainage. No objection has been received in relation to the application, subject to standard conditions and advice.

Furthermore, no adverse comments have been raised by Dwr Cymru/Welsh Water or Wales and West Utilities.

Community Infrastructure Levy Liability

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

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

Conclusion

The principle of the proposed development is considered to be acceptable and there are no significant concerns with regard to the impact it would have on the character and appearance of the surrounding area and residential amenity and privacy of neighbouring properties. However, the proposed dwelling would be accessed of a sub-standard access lane which is not suitable for a primary means of access. Whilst the supporting letters signed by local residents in relation to the visual and security benefits are appreciated, they lack weight against the significant highway safety concerns raised by the Council's Transportation Section. As such, the application is recommended for refusal.

RECOMMENDATION: Refuse

The proposed development is considered to be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in an adverse impact upon highway safety in the vicinity of the application site for the following reasons:

- i) The proposed access lane lacks adequate width of carriageway, structural integrity, junction radii, surface water drainage, street lighting and segregated footway to serve vehicular and pedestrian traffic and would create traffic hazards to the detriment of safety of all highway users.

- ii) The proposed additional use of the sub-standard lane as a principal means of access to serve the proposed development will create increased traffic hazards to the detriment of highway and pedestrian safety.
- iii) The proposed access lacks an adequate turning area to cater for vehicular turning movements to and from the site and would therefore create hazards to the detriment of highway and pedestrian safety.
- iv) The swept path analysis submitted (Appendix B) indicates that use of both carriageway lanes on a strategic route A4061 would be required to access the sub-standard lane to the detriment of safety of all highway users and free flow of traffic.
- v) The access lacks adequate visibility due to on-street car parking pressure and therefore further intensification of use by the proposed development would create traffic hazards to the detriment of highway safety.

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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

2 NOVEMBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

**MR. J. BAILEY
(Tel: 01443 494758)**

See Relevant Application File

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