

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
19 JUNE 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 9
APPLICATION NO: 13/0558 - CONSTRUCTION OF 4 NO. 4 BEDROOM DWELLINGS (AMENDED PLANS RECEIVED 12/03/14), LAND TO THE REAR 58-61 RHIW'R DDAR. TAFFS WELL	

1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application.

2. RECOMMENDATION

That Members consider this report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 1st May 2014 (a copy of the original report is attached as **APPENDIX A**), where following consideration of the application, Members resolved to refuse planning permission as they considered that the development would result in an unacceptable loss of amenity space and would therefore be contrary to relevant local plan policies.

As outlined in the original report to committee, the Council's Spatial Planning and Countryside Sections were both formally consulted as part of the planning application process. Responses from these consultees raised no objections to the planning application, subject to a number of conditions.

With respect to the matter of the loss of open/amenity space, it is must first be noted that the site is located within settlement limits and within an established residential area. It is acknowledged that under the provisions of the former Taff Ely Local Plan, the site was identified as an area to be reserved for amenity space, to serve the Rhiw'r Ddar estate. However, the former Taff Ely Local Plan has now been superseded by the adoption of the Rhondda Cynon Taf Local Development Plan. Under the provisions of this plan, the site remains

within settlement limits, but is no longer formally allocated as an amenity area.

It is noted that there is a perception among residents that historically, the site was intended to be transferred to local authority ownership for the purpose of maintaining the area as publicly accessible green space. However, no such transfer has ever occurred, therefore, the site remains within private ownership and has not been formally maintained for a significant period of time. This absence of formal maintenance or landscaping has resulted in sections of site now being largely inaccessible. Furthermore, it is important to note that since the site remains within private ownership, should they choose to do so, the landowner may prevent any further public access at any point.

Whilst policies AW7 and SSA13 offer some protection to the open space provision within settlements, following consultation with the Council's Spatial Planning Section, it is noted that no objections have been raised to the application. Their comments conclude that whilst the proposal to develop the site would result in the loss of some amenity space, in this instance it is considered that this can be balanced against the benefits derived from the provision of improved landscaping and long term management of the southern section of the site. Therefore, whilst it is acknowledged that the proposal would obviously represent the loss of a proportion of the open space, which residents have become accustomed to, it is considered that the proposal represents the opportunity to formalise and improve the remaining space with a comprehensive scheme of landscaping and long term maintenance. Furthermore, the scheme has been designed to retain, where possible, many of the existing trees, as well as providing for the improvement and extension of an informal footpath, which crosses the site. As such, it is considered that the current scheme represents an appreciation of the need to retain an appropriate level of landscaping and planting, in order to retain a degree of the visual amenity value, which the site currently offers, in line with the requirements of planning policy.

Therefore, having assessed the above-mentioned scheme and supporting information, it is considered that the principle of the development of the site for residential purposes, along with the provision of an associated landscaped area is acceptable, particularly given that the site is no longer formally allocated as a recreational amenity area and the land remains within private ownership. It is also considered that the development of a layout, which locates the proposed dwellings within the northern proportion of the site, whilst maintaining an active frontage with Rhiw'r Ddar, would be acceptable in terms of its impacts upon the character and appearance of the area. Furthermore, it is considered that the decision not to develop the steepest most section of the site, combined with the orientation of the proposed dwellings, reduces the potential impacts upon the amenities of neighbouring residents to a point that is acceptable in planning

terms. Finally, following consultation with the Council's Transportation Section, it has been established that it would be possible to form a vehicular access to the site, without resulting in an adverse impact upon highway safety in the vicinity of the site. As such, the development is considered to be in accordance with the policy framework within the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales. As a result of the above, it is recommended that Members approve the application in accordance with the recommendation, conditions and legal agreement set out the original report attached as **APPENDIX A**.

Notwithstanding the above, if Members are still minded to refuse permission, the following reason is presented for consideration.

1. The proposed development would lead to an unacceptable loss of urban open space, which makes an important contribution to the character and visual amenity value of the area by virtue of its openness and landscaping. As such, the proposal conflicts with policies AW5, AW7 and SSA13 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales.

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APPENDIX A

APPLICATION NO: 13/0558/10 (EL)
APPLICANT: K Richardson, S Simon, M Cotsen
DEVELOPMENT: Construction of 4 No., 4 bedroom dwellings (Amended plans received 12/03/14)
LOCATION: LAND TO THE REAR OF 58 - 60 RHIW'R DDAR, TAFFS WELL, CF15 7PB.
DATE REGISTERED: 30/05/2013
ELECTORAL DIVISION: Ffynon Taf

Recommendation

Approve subject to conditions

Reasons:

The re-development of the site for residential purposes is compatible with the area, the design of the properties is acceptable, in terms of scale and appearance and the landscaping proposals retain an acceptable number of mature trees. The impact on residential amenity and highway safety is also considered acceptable.

Application Details

Full planning permission is sought for the construction of 4 no dwellings on a parcel of land within the residential estate of Rhiw'r Ddar, Taffs Well. The site is irregular in form, measuring approximately 0.38 hectares. The application proposes the construction of 2 no. detached and 1 no. pair of semi detached dwellings

It is proposed that an access driveway, which incorporates a turning facility, would be formed directly off the highway of Rhiw'r Ddar, which bounds the site to the east. Plots 1 and 2 would be detached dwellings, set back within the site, with their rear boundaries following the line of the western site boundary. Plots 3 and 4 would be semi-detached dwellings, (joined by their garages), which would front the main estate road of Rhiw'r Ddar.

Each of the main dwellings would measure 6.2 metres in width and 10.0 metres in length, with a ridge roof construction extending to 9.0 metres at their highest point, sloping to 5.3 metres at their eaves. Each of the properties would be 4/5 bedroom units, with accommodation arranged over three levels (bedroom 5 / office being within the roof space). Each of the dwellings would have a rendered finish with tiled roofs.

It is proposed that the steepest section of the site, at its southern extent, would remain undeveloped and would be landscaped. An informal footpath,

which currently crosses the site, would also be extended and formalised across this area.

The scheme proposes the retention of a number of the trees upon the site, including a group at the southern most point of the site, adjacent to the highway and a further group at the north eastern corner of the site. The scheme does inevitably also propose the felling of a number of trees through the central section of the site.

The application has been submitted following the refusal of an earlier scheme at the site (11/1018/10).

SITE APPRAISAL

The application site consists of a parcel of land located within the residential estate of Rhiw'r Ddar, Taffs Well. The site is irregular in form, measuring approximately 0.38 hectares. There is significant variation in levels across the site; the northern proportion of the site is relatively even with this level area extending to a strip along the eastern site boundary with the highway. However, the land within the south and south-western proportion of the site falls steeply, in the direction of the adjacent residential properties to the south and the footpath (PROW 100-Caerphilly) to the west. The site is covered by dense vegetation and shrubs with the western section being so overgrown that it is almost inaccessible. The site is also covered by a number of mature trees with groups to the north, south and western areas of the site. To the east, the site is bounded by the adjacent highway of Rhiw'r Ddar (the main feeder road for the estate), to the north and south the site is bounded by the gardens of existing residential properties. Those to the north (numbers 57-61) occupy a similar ground level, however those to the south (numbers 33-37) are set at a significantly lower ground level than the application site. To the south, an informal footpath runs along the rear of numbers 33 and 34 Rhiw'r Ddar, connecting to the main footpath and Public Right of Way, which is adjacent to the western site boundary.

PLANNING HISTORY

11/1018	Land to the rear 58-61 Rhiw'r Ddar. Taffs Well	Construction of 6 no. dwellings comprising of 1 no. detached dwelling, 1 no. pair of semi detached and 3 no. terraced dwellings.	Refused 13/09/12
09/0831	Land to the rear 58-61 Rhiw'r Ddar. Taffs Well	Construction of 5 new detached houses. Amended plans received 21/04/10.	Withdrawn 01/07/10
05/0707	Land rear of 57 Rhiw'r Ddar, Taffs Well	Extension to residential curtilage	Refused Dismissed at appeal 26/07/05

05/0708	Land rear of 59 Rhiw'r Ddar, Taffs Well	Extension to residential curtilage	Refused Dismissed at appeal 26/07/05
05/0709	Land rear of 60 Rhiw'r Ddar, Taffs Well	Extension to residential curtilage	Refused Dismissed at appeal 26/07/05

PUBLICITY

The application has been advertised via direct neighbour notification and the posting of site notices.

A total of 19 letters of objection (including re-consultation responses) from 8 addresses have been received in response to the application, these are summarised as follows;

Public Open Space

1. The development would result in the loss of public open space and an area for children to play.
2. The land has been designated as public open space.
3. The existing properties on Rhiw'r Ddar were sold on the understanding that this space (the application site) would be permanently retained as amenity space/ play area.
4. The development would result in the shading out of another undeveloped area within the settlement limits, which makes an important contribution to the character and visual amenity of the area.
5. The proposal is contrary to Planning Policy, which states that open spaces with recreational or environmental value should be protected.
6. Residents have previously had planning applications, to extend their garden curtilages into this space refused permission. Their appeals were also subsequently dismissed on the grounds that the land should be retained as open space.
7. It is claimed that Comben Homes, the original developers, attempted to develop a single dwelling on the site shortly after completion of the estate, but were refused permission, given the status of the land.
8. Residents have enjoyed unrestricted access to this land for almost 30 years, and continue to use the land despite the recent lack of maintenance.
9. It is claimed that the land is still regularly used by children who play there and residents who exercise dogs there. It is noted that although, as the site has become overgrown the useable area available has reduced, the amenity value and view that it currently offers is preferential to housing.
10. It is stated that nearby playing fields, such as the rugby fields do not allow open access to all residents.

Amenity & Privacy

11. The proposed scheme does not adequately take account of the gradient of the land that falls steeply, overlooking and overshadowing (numbers 33-37).
12. The proposal would result in direct overlooking and a loss of privacy of the properties to south, from the proposed buildings. It is feared that the gardens of the properties would be level with the first floor of the dwellings to the south.
13. The scheme does not include any screening to protect existing residents.
14. The proposed development would result in a loss of privacy, daylight and overshadowing to adjacent occupiers.
15. Development of this space would result in a "confined and closed in feeling" for adjacent residents.
16. The introduction of a right of way across the site would impact upon the security and privacy of neighbouring residents.

Design & Context

17. The proposal represents over development of the area and represents insensitive and inappropriate infilling.
18. Objections were raised to the earlier planning applications for 5 and 6 dwellings; it is considered that this proposal would be equally intensive.

Loss of Habitat

19. The site presently hosts a variety of species, including a variety of nesting birds, foxes, hedgehogs, slow worms and other wildlife.
20. The development would result in the loss of a number of trees and habitat for birds, small mammals and other wildlife.
21. Reference is made to the value of the trees, which cover the site, and the fact that they add to the visual amenity of the area. It is noted that 2 conifers, which hold a prominent position on the site, are approaching 100 years in age.

Access & Parking

22. It is stated that there is already high demand for on street parking in the vicinity of the site. The proposed development would result in an increase in demand for on street parking in the vicinity of the application site and exacerbate this problem.
23. Demand for parking increases further when there are football matches on, with spectators parking on both the estate roads and the road bridge across the A470.
24. It is suggested that an on street parking survey be conducted outside working hours and on weekends.
25. The existing access road already serves in excess of 350 properties; the proposal would create further congestion problems.
26. It is commented that an earlier planning application (11/1018/10) for 6 dwellings was refused on highway safety grounds. Residents comment that they believe the current proposal for 4 no. (4 bedroom) dwellings would have the potential to generate a greater number of vehicle movements due to the type of dwellings.

Drainage

27. The proposal presents an increased flood risk to properties at the toe of the bank, due to increased surface water run off created by hard surfaced areas.
28. Existing residents experience problems with water supply pressure, which would be exacerbated by the proposal to construct five more dwellings.
29. The existing sewerage system is inadequate and insufficient and could not cope with the additional dwellings.

General

30. The proposed development would result in a decline in the value of adjacent properties.
31. The development would result in a loss of views of the Garth and surroundings areas, across the site.
32. It is felt that the small number of units proposed (4) would not present any real benefit to the community.
33. It is commented that the landowners have shown no interest in maintaining the land, hence its current overgrown condition.
34. In response to the developer's statement it is commented that there are no fly tipping problems in the area.
35. One resident comments that they fail to see how the development would be of benefit to the community, since there are already many affordable houses in the area, which remain empty.
36. Reference is made to the original process for the adoption of the site by the local authority. It is claimed that the site was offered to the Community Council, who declined this offer (however no evidence is provided to substantiate this statement).
37. Concern is expressed that if permission is granted for the current scheme, then the site may change hands and a further application may be submitted which proposes an alternative, more densely developed scheme.
38. Frustration is expressed with regard to the lack of formal arrangements for maintenance of the site over the years and the previous lack of clarity with regard to the ownership of the site.
39. It is noted the proposal would result in disruption and disturbance to adjacent occupiers, particularly during the course of any construction works.

CONSULTATION

Transportation Section – no objection subject to conditions.

Spatial Planning – no policy objections raised. The proposal meets the requirements of policy AW7 by improving the quality of the landscaping within the areas of the site that are to remain undeveloped. Improved connections by way of footpaths across the site would also be provided.

Land Reclamation and Engineering – no objections raised, advice provided and conditions recommended.

Dwr Cymru – no objections are raised, however it is noted that the site is crossed by a public sewer. In order to protect the integrity of the sewer the applicant would be required to either provide an easement either side of the centerline of the sewer or apply to divert the sewer in question.

Countryside, Landscape and Ecology – no objections raised subject to conditions which require the preparation and implementation of a wildlife protection plan, and the protection of a number of trees. It is commented that a reasonable balance, in terms of the retention of trees within the site, has been demonstrated.

The ecological assessment undertaken also concludes that the trees on the site are rated as having low potential as bat roosts. As such, no objections are raised subject to the development being undertaken in accordance with the recommendations set out in this report.

Public Rights of Way Officer – no objections raised, it is commented that the footpath known as Caerphilly 100 runs to the western boundary of the site, outside of the redline boundary, as such it is not anticipated that the route would be adversely affected.

Glamorgan Gwent Archaeological Trust – no objections raised, conditions recommended. It is commented that it is possible that remains of part of the Rhiw Ddar Farm and associated features, may exist within the development area, and may be encountered during the development. In order to mitigate the impact of the development, a condition requiring an archaeological watching brief to be conducted during the groundworks should be attached to any permission granted.

Public Health and Protection – Advice provided and conditions recommended.

Community Council – Concern is expressed with regard to the loss of green space in Rhiw'r Ddar.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within defined settlement limits.

Policy AW1 sets out the requirements for new housing development and the methods by which the provision of new housing will be met.

Policy AW2 promotes development in sustainable locations.

Policy AW 5 sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 sets out the criteria for new development in terms of design and place-making.

Policy AW7 sets out the criteria for the assessment of proposals which affect areas of public open space.

Policy SSA11 supports residential density at 35 dph and gives criteria for lower densities.

Policy SSA13 provides the criteria for development within the defined settlement boundaries.

Policy CS2 supports sustainable development in the south by promoting development in the defined settlement boundaries.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 11 (Tourism, Sport and Recreation) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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

Full planning permission is sought for the construction of 4 no. dwellings on a parcel of land within the residential estate of Rhiw'r Ddar, Taffs Well. The key considerations in the determination of this application are whether the principle of residential development upon the site is acceptable, the potential impact of the development upon the privacy and amenity of neighbouring properties and the effect on the character and appearance of the area. The impact of the proposal, by way of the formation of a new access to serve the development, upon highway safety in the vicinity of the site is a further consideration.

Principle of Development

The application site is located within settlement limits and within an established residential area. It is acknowledged that under the provisions of the former Taff Ely Local Plan, the site was identified as an area to be reserved for amenity space, to serve the Rhiw'r Ddar estate. However, the former Taff Ely Local Plan has now been superseded by the adoption of the Rhondda Cynon Taf Local Development Plan. Under the provisions of this plan, the site remains within settlement limits, but is no longer formally allocated as an amenity area.

Through the consultation exercise, it is noted that many residents have expressed concern with regard to the loss of this amenity space and point to the presence of an informal path across the land, which demonstrates that the land is in use for recreational purposes, despite its overgrown condition. It is also acknowledged that there is a perception among residents that historically, the site was intended to be transferred to Local Authority ownership for the purpose of maintaining the area as publicly accessible green space. However, no such transfer has ever occurred, therefore, the site remains within private ownership and has not been formally maintained for a significant period of time. This absence of formal maintenance or landscaping has resulted in sections of site now being largely inaccessible. Furthermore, it is important to note that since the site remains within private ownership, should they choose to do so, the landowner may prevent any further public access at any point.

It is acknowledged that policies AW7 and SSA13 offer some protection to the open space provision within settlements, however following consultation with the Council's Spatial Planning Section, it is noted that no objections have been raised to the application. Their comments conclude that the proposal to develop the site would result in the loss of some amenity space, but in this instance it is considered that this can be balanced against the benefits derived from the provision of improved landscaping and long term management of the southern section of the site. Therefore, whilst it is acknowledged that the proposal would obviously represent the loss of a proportion of the open space, which residents have become accustomed to, it is considered that the proposal represents the opportunity to formalise and improve the remaining space with a comprehensive scheme of landscaping and long term maintenance. Furthermore, the scheme has been designed to retain, where possible, as many of the existing trees as possible, as well as providing for the improvement and extension of an informal footpath, which crosses the site.

It is acknowledged that an examination of the planning history of the site has revealed the refusal of 3 no. planning applications dating to July 2005. The occupiers of numbers 57, 59 and 60 each made planning applications to extend their residential curtilages to include a proportion of the land in question. These applications were refused permission and subsequently dismissed on appeal. Whilst these decisions obviously form material planning considerations in the determination of the current application, it is considered that the nature of the proposals differ, not least by the type of development, which was proposed. The earlier garden curtilage applications represented the incremental erosion of the amenity space, with individuals seeking to fence off and claim ownership of areas of the site. In contrast, whilst the current application obviously relates to the whole of the site, it takes a more comprehensive approach with a view to retaining an element of the visual amenity, which the site currently offers, despite its overgrown condition.

As such, it is considered that the current scheme represents an appreciation of the need to retain an appropriate level of landscaping and planting, in order

to retain a degree of the visual amenity value, which the site currently offers, in line with the requirements of planning policy.

Character and Context

As detailed in full in the description of development, the application proposes the construction of 2 no. detached and 1 no. pair of semi detached dwellings. It is considered that the layout of the dwellings within the site is acceptable and generally respects the pattern of development on the wider estate, which is characterised by small cul-de-sacs served off the main estate feeder road. Plots 3-4 would be semi-detached dwellings, which would front the main estate road of Rhiw'r Ddar, ensuring the provision an active frontage with the main estate road. It is also noted that this would replicate the pattern of development visible in the properties opposite the site, being link properties set back from the footway by front garden areas. Parking areas would be located to the rear of the properties.

Plots 1-2 would be set back within the site, with their rear boundaries following the line of the western site boundary. Whilst these properties would obviously be substantially set back from the main feeder road, they would be orientated to look 'into' the site and the small landscaped amenity area at the north eastern extent of the site. These properties would benefit from one car parking space within their front garden areas in addition to a garage, with private enclosed gardens to the side and rear. The appearance and scale of the properties themselves is considered acceptable, being comparable to the appearance of neighbouring dwellings in the Rhiw'r Ddar area. As such, it is considered that the layout, scale, design and proportions of the properties would be in keeping with general street scene.

As identified above, whilst the site currently offers limited opportunities for use as a formal recreation space, areas of the site do contribute positively to the visual amenity of the streetscene. This is due largely to the fact that a number of attractive, mature trees are located within the site. The application is accompanied by a tree survey and the current layout has been designed with a view to firstly containing development within the more level areas of the site and secondly, retaining as many of the mature trees (that are in good condition both structurally and physiologically) as possible. The resulting scheme retains three main groups of trees, at the north eastern, south eastern and south western extents of the site. As outlined above, the current scheme seeks to contain the proposed dwellings within the upper, northern proportion of the site, allowing a landscape buffer to be provided over the steepest section of the site. Whilst a number of existing trees would be retained within this area, the scheme also proposes that the bank be planted with native species of shrubbery and trees. Furthermore, the scheme proposes to formalise an existing footpath across this area, allowing a connection with the established Right of Way at the west of the site boundary.

Overall, it is considered that the current scheme represents an appropriate balance between the developed area of the site and the provision of a landscape buffer, which retains and incorporates a number of existing mature

trees. As such, whilst the existing visual aspect of the site would inevitably be altered, it is not considered that the resulting development would adversely impact upon the character and appearance of the wider area, to such a degree that would warrant the refusal of the application.

Landscaping and Ecology

As identified in the site description and by a number of the representations received from residents, the site is currently covered by dense vegetation and a variety of trees and shrubs. These elements, the trees in particular, currently hold a value in terms of their contribution to the character of this otherwise urban setting. Aside from the contribution to the visual amenity of the area, it is clear that the site also has value in terms of nature conservation and as wildlife habitat. As such, both a tree survey and a baseline ecology survey accompany the application, in order that the potential impact of the scheme upon habitats and the statutory protected species may be assessed.

The results of the ecology assessment confirmed the high biodiversity context in which Rhiw'r Ddar is located; however it did not identify any over-riding ecological features within the development site. The assessment concludes that some of the diseased trees may support sufficient crevices for pipistrelle bats, although the potential of these trees as bat roosts appears relatively low. The report also identifies a series of recommendations. In essence it recommends that the development will retain a reasonable number of the trees and shrubs and the layout submitted looks to involve a reasonable level of tree removal. The report recommends appropriate replacement plantings with a wider mix of native species, and hedgerows and shrub mitigation and enhancement plantings. The report also recommends the provision of garden space and lawns, as opposed to paving areas, and provision of bird and bat boxes to off-set localised losses of nesting bird and bat habitat.

Following a detailed assessment on site, some concern was expressed by the Council's Tree Preservation Officer with regard to the retention of one group of trees to the rear of plot no.2. Whilst these currently contribute to the character of the site, some concern was expressed with regard to the potential health and safety implications of retaining these trees in such close proximity to a property. As such, since the tree report concludes that the visual amenity of this small group is not sufficient to warrant preservation orders, the proposed tree survey plan has been revised to illustrate their removal. However, should Members be minded to approve planning permission, then it is suggested that a condition be attached the permission, which requires the submission of a full landscaping scheme to cover both the areas around the proposed dwellings and the embankment at the south of the site.

Overall, the response received from the Council's Countryside Section concludes that the impacts of the scheme upon ecology are acceptable, and that the proposed layout retains an acceptable number of mature trees, which contribute positively to the surrounding area.

Amenity and Privacy

Given that the site is located within an established residential estate, it is important to consider the potential impact, upon the amenities of the occupiers of existing adjacent properties, which would result from the combination of the topography and siting of the proposed dwellings.

As identified above, the application site is subject to significant variation in levels. Whilst the northern, upper area of the site is formed by a relatively level plateau, the southern extent of the site is formed by a steeply sloping embankment, which at present is largely inaccessible. It is noted that an earlier planning application, which was submitted in 2009 and subsequently withdrawn, also sought to develop the site for residential purposes, however this scheme sought to maximise the whole of the site, including, the steepest, southern extent of the site.

It is noted that the current submission differs considerably from that of the 2009 submission in that the current scheme seeks to contain development with the northern extent of the site. Whilst it is accepted that a topographical survey has revealed that some cut/ fill will still be required in this area, the variation in level is far less significant; with the maximum difference being 3.8m between the access drive and the southwestern most point of the garden of plot 2 (over a distance of some 40 metres).

Similarly, it is acknowledged that a subsequent planning application, which was submitted in 2011, was refused planning permission. However, it must be noted that the current application represents a reduction in the number of dwellings proposed; whereas the 2011 submission sought to develop 6 units, this number has now been reduced to 4, therefore allowing more spacious plots.

Overall, it is considered that the reduction in unit numbers combined with the siting of the proposed dwellings, would result in a reduction in the degree of ground engineering operations, which would be required to facilitate the development.

Aside from reducing the degree of engineering operations required, the decision to site the proposed dwellings within the northern extent of the site has also allowed for an increase in the separation distances between the existing residential properties to south, namely numbers 33-37 Rhiw'r Ddar. It is also noted that the orientation of the dwellings, particularly plot 2 has lessened the potential impact on the existing dwellings to the south. It is accepted that, due to the topography of the site and surrounding area, the application site will inevitably remain elevated above the dwellings to the south. However, the fact that the gable elevation (with no openings to habitable rooms) of plot 2 would address the rear of the properties to the south; and a separation distance of 23.5 metres to the boundary and 36 metres to the rear elevation of the nearest neighbouring property (no.34) would lessen the potential impacts upon neighbouring residents.

It is also considered that the retention of the southern extent of the site as a landscaped amenity area represents a benefit within the scheme. As well as providing a degree of visual amenity within the streetscene, it is considered that, with an appropriate planting scheme and selection of trees and shrubbery, this would also provide a degree of screening to the existing dwellings to the south. As such, should Members be minded to approve planning permission, in addition to a landscaping condition, it is also suggested that the applicant be required to enter into a legal agreement, which would secure a programme for the long term maintenance of this landscaped amenity area.

It is noted that neighbouring occupiers to the north and west have also raised representations with regard to the potential impacts upon their amenity and privacy. It is acknowledged that plot 1 would be developed in close proximity to the boundary with number 61, to the north. However, on balance it is not considered that the resulting impacts upon amenity would be so great as to warrant the refusal of the application. This is particularly the case since the gable elevation of the dwelling (with no openings to habitable rooms) would address the rear of the property and a separation distance of 13.5 metres would be maintained.

With regard to the relationship with properties to the west, it is noted that separation distances in the region of 40 metres would be provided between the rear of the existing dwellings and those of the proposed plots 1-2. Whilst the application site is significantly elevated above the level of properties on Glan-y-Ffordd, it is considered that the provision of appropriate boundary treatments along the western extent of the site, combined with the separation distances involved, would limit any impacts to an acceptable degree.

Finally, it is considered that the proposed relationship of plots 3-4 with those dwellings opposite (to the east) is also acceptable, with front elevations addressing front elevations, being separated by the main feeder road and a distance of approximately 24 metres. Whilst it is acknowledged that the occupiers of these properties may inevitably experience the loss of a view, this factor does not form a material planning consideration, which may be taken into account in the determination of the current planning application.

Highway Safety

With regard to the potential impacts upon highway safety, it is noted that consultation has also been undertaken with the Council's Transportation Section. Their comments note that the required vision splays at the site entrance are achievable and that the internal road layout is adequate to cater for delivery, emergency and service vehicles. It is also considered that the application site is within reasonable walking distance of public transport and local amenities, as such the site represents a sustainable location. Therefore, no objections have been raised to the proposal, subject to a number of conditions. These conditions require the submission of additional details in connection with the proposed access design and the provision and retention of the parking areas illustrated on the proposed layout plan.

It is acknowledged that a number of residents have commented that there is already high demand for on-street parking space in the vicinity of the site, and express concern that the proposed development would exacerbate this. However, having assessed the scheme, the Transportation Section consider that adequate parking provision is illustrated within the proposed scheme, with 2 spaces per dwelling, plus visitor parking spaces. Overall, given these comments it is not considered that the proposed development would result in a detrimental impact upon highway safety in the vicinity of the site.

Other Issues

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

Drainage

Following consultation with Dwr Cymru, it has been established that a public sewer crosses the development site. In order to protect the integrity of the sewer, Dwr Cymru have indicated that the applicant would be required to either provide an easement either side of the centerline of the sewer or apply to divert the sewer in question. Sewer diversions are considered under separate legislation – that being Section 185 of the Water Industry Act. The applicant initially explored the possibility of adapting the site layout, in order to provide an easement for the sewer; however this adversely impacted upon the site layout, both in terms of character, tree loss and highway safety. As such, the applicant has reverted back to the original site layout and proposes to divert the sewer. The works would be undertaken within the site boundary, with the diversion taking a section of the sewer line to the south of plot 3. As indicated above, sewer diversions are considered under separate legislation, outside of the planning system; however, Dwr Cymru have raised no objection to the current planning application and have indicated that the diversion proposed is feasible.

It is noted that, following the publicity of the application, residents raised objections to the proposal on drainage grounds; stating that the existing drainage infrastructure, which serves the site, is inadequate and prone to failure. Therefore, concerns were raised with regard to the proposal to connect a further four properties to the system. Whilst the concerns and comments of adjacent occupiers are acknowledged, it is noted that following consultation with both the Council's Land Reclamation and Drainage Section, and Dwr Cymru-Welsh Water, no objections have been raised in this regard.

Footpath works

Finally, as noted in brief above, the proposed layout plan also illustrates the provision of an improved footpath within the proposed landscaped area at the south of the site. At present an informal footpath bounds the rear of no's 33-34 Rhiw'r Ddar, connecting with the Public Right of Way to the west, however use of this route is at present, restricted due to the overgrown nature of the

site and its un-made surface. As such, it is considered that the improvement and extension of this route in a more formal manner would present a benefit for all residents.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

The terms of the agreement are set out under the Heads of terms detailed below;

1. The land at the southern extent of the site, identified as a landscaped amenity area on drawing no. 2259.11.M dated 14th April 2014 proposed site plan, shall be implemented and retained as such in perpetuity.
2. The details of a management programme for the long-term maintenance of the landscaped amenity area shall be provided and agreed.
3. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

Conclusions

Having taken account of all of the issues outlined above, it is considered that the principle of the development of the site for residential purposes, along with the provision of an associated landscaped area is acceptable, particularly given that the site is no longer formally allocated as a recreational amenity area and the land remains within private ownership. It is also considered that the development of a layout, which locates the proposed dwellings within the northern proportion of the site, whilst maintaining an active frontage with Rhiw'r Ddar, would be acceptable in terms of its impacts upon the character and appearance of the area. Furthermore, it is considered that the decision not to develop the steepest most section of the site, combined with the orientation of the proposed dwellings, reduces the potential impacts upon the amenities of neighbouring residents to a point that is acceptable in planning terms. Finally, following consultation with the Council's Transportation Section, it has been established that it would be possible to form a vehicular access to the site, without resulting in an adverse impact upon highway safety in the vicinity of the site.

Therefore, since no objections have been raised by statutory consultees or the Council's Spatial Planning Section, it is considered that on balance, the proposal to develop the northern extent of the site for residential purposes and a willingness to secure a landscaped buffer along the southern extent is an acceptable compromise. Therefore, the application is considered to be in accordance with relevant planning policy requirements and is therefore recommended for approval subject to the conditions specified and the applicant entering into a Section 106 legal agreement, the Heads of Terms of which are specified above.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plans received by the Local Planning Authority on 19/02/14, 12/03/2014 and 14/04/14.

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

3. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

4. No dwelling shall be occupied until the drainage works have been

completed in accordance with the approved plans.

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

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

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

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, for the entire site, including the southern landscaped amenity space identified within the proposed layout plan drawing no. 2259.11.M dated 14th April 2014. The scheme shall provide indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the first building or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. Before any work is commenced on site, including site works of any description, each of the trees to be retained, as identified within drawing entitled 'Tree Plan: Trees to be retained or replaced dated 19/02/14, shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered. Unless, agreed otherwise in writing by the Local Planning Authority.

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

8. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - (i) Compliance with legal consents relating to nature conservation;
 - (ii) Compliance with planning conditions relating to nature conservation;
 - (iii) Installation of physical protection measures during construction;
 - (iv) Implementation of sensitive working practices during construction;
 - (v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - (vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

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

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

9. The development shall be undertaken in accordance with the Recommendation set out in Section 5.0 of the Ecological Assessment undertaken by Acer Ecology: Survey of trees for use by bats, dated February 2012. The mitigation measures identified shall be undertaken prior to the beneficial occupation of any dwelling.

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

10. Prior to the dwellings on plots 1 and 2, hereby permitted, being brought into use, the bathroom windows in the north side, first floor elevation of house 1 and south side elevation of house 2 shall be glazed with obscure glass details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The windows shall be retained as such thereafter,

unless otherwise agreed in writing by the Local Planning Authority.

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

11. Building operations shall not be commenced until samples of the external finishes, including roof tiles proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

12. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (6th Edition) February 2014.

13. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (6th Edition) February 2014.

14. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in

paragraph 4.12.4 of Planning Policy Wales (6th Edition) February 2014.

15. Notwithstanding the submitted plans, a vehicular footway crossing shall be provided at the site access in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be completed in accordance with the approved details prior to beneficial occupation of any dwelling.

Reason: In the interests of highway and pedestrian safety.

16. No dwelling shall be occupied until space has been laid out within the site for vehicles to be parked in accordance with the approved details. Thereafter, that space shall not thereafter be used for any purpose, other than the parking of vehicles.

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

17. No dwelling shall be occupied until the private shared access and parking areas have been surfaced in permanent materials and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of highway safety and to prevent surface water run-off from discharging onto the public highway, in the interests of highway safety.

18. The gradient of the private shared access shall not exceed 5% (1 in 20) for the first 10 metres and thereafter shall not exceed 12.5% (1 in 8).

Reason: In the interests of highway safety.

19. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

20. All HGV deliveries to the site shall be restricted to 09:00am to 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

21. The developer shall ensure that a suitably qualified archaeologist is present

during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

22. The proposed public footpaths, illustrated on drawing no. 2259.02.Ma dated 12th March 2014 proposed site plan, linking Rhiw'r Ddar to Glan y Ffordd, shall be constructed in accordance with design details (including materials) to be submitted to and approved in writing by the Local Planning Authority, prior to works commencing on site. The footpaths shall be completed in accordance with the approved details prior to beneficial occupation of any dwelling and retained as such thereafter.

Reason: In the interests of pedestrian safety.

23. Construction works on the development shall not take place other than during the following times:
1. Monday to Friday 0800 to 1800 hours;
 2. Saturday 0800 to 1300 hours;
 3. Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

19 JUNE 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 13/0558 -
CONSTRUCTION OF 4 NO. 4
BEDROOM DWELLINGS
(AMENDED PLANS RECEIVED
12/03/14), LAND TO THE REAR 58-
61 RHIW'R DDAR. TAFFS WELL**

OFFICER TO CONTACT

**MS E LEWIS
(Tel. No. 01443 494768)**

See Relevant Application File

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