

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**MUNICIPAL YEAR 2015-216**

		Agenda Item No.7
<b>DEVELOPMENT COMMITTEE 17 DECEMBER 2015</b>	<b>CONTROL</b>	<b>APPLICATIONS FOR REFUSAL</b>
<b>REPORT OF: DIRECTOR PLANNING</b>	<b>SERVICE</b>	<b>RECOMMENDED</b>

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

1. Application No: 14/1467 - Construction of 13 new detached dwellings, Land Adjacent To 11 Derwen Aur, Porth

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## APPLICATIONS RECOMMENDED FOR REFUSAL

14/1467/10 (HL)  
**APPLICANT:** Mr M Lloyd  
**DEVELOPMENT:** Construction of 13 new detached dwellings  
**LOCATION:** LAND ADJACENT TO 11 DERWEN AUR, PORTH,  
CF39 9UX  
**DATE REGISTERED:** 15/12/2014  
**ELECTORAL DIVISION:** Porth

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### RECOMMENDATION: Refuse

**REASONS:** Insufficient information has been submitted to demonstrate that the development proposed would not have a detrimental impact on the character and appearance of the area, land stability, drainage and flooding, highway safety, and the ecology of the area. The application is therefore considered as contrary to policies AW5, AW6, AW8, AW10 and NSA12 of the Rhondda Cynon Taf Local Development Plan.

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### APPLICATION DETAILS

The application seeks full planning permission for the construction of 13 residential dwellings on land adjacent to 11 Derwen Aur, Porth and to the rear of Coronation Terrace, Porth.

The plans indicate the development of 13 detached two storey properties each measuring at their greatest 7.5m wide, 11.7m deep with a maximum height of 8.2m falling to 5.1m at eaves level. The finished floor levels would be stepped from north to south reflective of the ground topography. Each property would contain a living room, kitchen, dining room and WC at ground floor level with three bedrooms, an ensuite and family bathroom at first floor level. Each property would benefit from a front garden capable of accommodating at least two off street parking spaces and a rear garden. The external design would be uniform throughout the development with all the dwellings finished with render and brick elevations, a concrete tiled roof and uPVC windows and doors. The units would be similar in design to those within Derwen Aur and would be positioned 11m behind the front elevations of the dwellings in Derwen Aur.

The development would be served by an access road that would be constructed as a continuation of the highway fronting the Derwen Aur development. The access road would be constructed with a turning facility and footpaths, along with landscaped embankments to the existing rear lane to the dwellings in Coronation Terrace.

In order to attain the levels, gradients, position and design of the dwellings proposed, substantial engineering works would be needed, which are likely to result in the removal of a significant volume of material from the site.

## SITE APPRAISAL

The application site comprises a roughly rectangular plot of mountain side land to the rear of the terrace of dwellings at No.s 1 to 20 Coronation Terrace and adjoins the western edge of an existing development of 11 No. detached dwellings at Derwen Aur with an area of 0.63 hectares.

The site is steeply sloping falling from east to west (toward Coronation Terrace) and north to south (toward Derwen Aur) and is naturally vegetated with a well established deciduous woodland uphill to the rear. At the time of inspection, a number of water issues were evident across the site. A narrow unmade lane skirts the western boundary of the site with the rear garden walls of the dwellings in Coronation Terrace

The application site is unallocated land within the settlement boundary of the Key Settlement of Porth. It is designated as a Site of Importance for Nature Conservation, whilst adjoining a Special Landscape Area designated on the mountainside behind the site.

## PLANNING HISTORY

10/1002/10	Plot 3, Land adjacent to Derwen Aur	Detached 3 bed dwelling	Withdrawn
04/0051/10	Land adjacent to Derwen Aur	12 No. dwellings	Allowed 04/06/04
03/1188/10	As above	9 No. dwelling	Refused 04/12/03
98/6384/10	Land to the rear of Coronations Terrace, Porth	Development of 15 dwellings	Refused 26/02/99 Appeal Allowed 19/06/00
97/6230	As above	Construction of 8 No. dwellings	Approved 11/07/97
93/0660	As above	Construction of 5 No. dwellings	Approved 16/11/93
92/0814	As above	Construction of 8 No. dwellings	Approved 16/08/93
89/0905	As above	Construction of 1 No. dwelling	Approved 02/08/90
89/0918	As above	Construction of 12 No. dwellings	Refused 19/04/90
89/0291	As above	Residential development	Refused

88/0740	As above	Construction of 1 No. dwelling	02/08/89 Refused 26/06/89
85/0549	As above	Construction of 2 No. dwellings	Approved 04/03/85
84/0774	As above	Residential development	Approved 04/03/85
84/0045	As above	Residential development	Withdrawn
82/0375	As above	Residential development	Approved 30/06/83

## PUBLICITY

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. Three letters of objection and a petition containing 21 signatures have been received and are summarised as follows:

- Concerns are raised regarding landslip and drainage issues at the site. Halcrow have previously described the site as being at a high risk of slipping.
- Conditions imposed as part of the appeal approval required putting in drainage channels/ resurfacing the land at the rear of the houses in Coronation Terrace; a scheme of removal of earthworks for drainage construction and environmental works due to slow worms and other wildlife and trees. These were not complied with.
- Following commencement of works and removal of trees there was a landslide on site which badly affected the gardens of 11 and 12 Derwen Aur initially. Following the developer going into receivership the site was abandoned. Subsequently, surface water to the rear of the properties in Coronation Terrace has significantly increased. The garden of No 10 Coronation Terrace has moved up against the house and No 15 experience floodwater from the mountain through the house.

## CONSULTATION

Highways - Raise an objection. Insufficient information has been supplied for a highway safety assessment to be undertaken with regards to a number of matters. The access road as proposed is also substandard in terms on turning area, footway width, lack of margin step to the width and vehicular restraint.

Land Reclamation and Engineering - Insufficient information or conflicting details have been submitted with regards to flood risk or surface water drainage proposals. Additional information with regard to hydrological impact assessment and full drainage details of the proposed development should be submitted prior to determination.

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

Wales and West Utilities (Gas) - Raise no objections.

Ecology - A large part of the site lies within SINC 45 which is a mosaic ffridd (acid grassland, bracken, emerging woodland, heath etc) The southern end abuts TPO 14. Baseline Ecological works and assessment of how the development affects the adjacent TPO should be submitted prior to determination of the application.

Housing Strategy - In line with policy NSA11, 1 unit of affordable housing should be secured. Based on the findings of the Local Housing Market Assessment, one three bedroom house should be provided on site and made available for sale as Low Cost Home Ownership to a Council nominated first time buyer from the Homestep Register.

## **POLICY CONTEXT**

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

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

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

**Policy CS4** defines the housing land requirements.

**Policy CS5** requires provision of affordable housing.

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

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

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

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

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

**Policy AW8.45** seeks to protect and enhance features of the Site of Importance for Nature Conservations at Birchgove slopes.

**Policy AW10** seeks to prevent development that would have a risk of unacceptable harm to the environment, public health or local amenity. This would includes the requirements that where sites are subject to land instability, contamination or flooding.

**Policy NSA10** seeks a minimum housing density of 30 dwellings per Hectare and gives criteria for accepting lower densities.

**Policy NSA11** seeks the provision of 10% affordable housing on residential development of 10 units or more.

**Policy NSA12** gives further criteria for suitable housing development within and adjacent to settlement boundaries. This includes the requirements that where sites are subject to land stability, it can be demonstrated that this can be adequately remediated.

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

- Design and Placemaking;
- Delivering Design and Placemaking - Access Circulation and Parking Requirements;
- Affordable Housing;
- Planning Obligations and
- Employment Skills

## **National Guidance**

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

Planning Policy Wales (Edition 7 July 2014), Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability) 8 (Transport) and 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development;
- Manual for Streets.

## **PLANNING CONSIDERATIONS**

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

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

### **Principle of Development**

As detailed above, the application proposes the development of 13 detached dwellings on land within the settlement boundary of the residential area of the Key Settlement of Porth. The site has previously benefited from outline and full planning permission for residential development. The site is located approximately 700 metres from the edge of the retail centre of Porth with its numerous facilities, public transport options and employment opportunities both within the town centre and wider area. In light of the above, the site is considered to be sustainably located and as such the principle of residential development is acceptable.

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

### **Character and Appearance**

As specified above, the application proposes the erection of 13 detached, two storey dwellings, developed in a linear arrangement north to south across the site. Whilst the density of development at 20 dwellings per hectare (dph) is below that prescribed in Policy NSA10. It is considered that the topography of the site and its linear shape prevents any great variation in design other than that proposed. Accordingly it is considered that the density would make adequate and efficient use of the site and is therefore acceptable in this particular location.

It is considered that the design of the dwellings in association with the external materials proposed relative to the context of the area would not have a significantly detrimental impact on the overall character and appearance of the area. Whilst the provision of two storey dwellings could have a lesser visual impact on the Special Landscape Area that abuts the rear of the site and the residential properties within Coronation Terrace to the west, significant concerns are raised regarding the volume of material that would need to be excavated from the site to generate the levels and gradients indicated and the resulting engineering works that would be needed to stabilise and accommodate the proposal. Despite repeated requests for this information, the details have not been provided for consideration.

Although, more modern in appearance than the predominant Victorian terraces in the area, it is considered that the design of the dwellings proposed would blend with the existing built form and provide an appropriate and acceptable infill. However, it is considered that insufficient information has been submitted with regard to the volume of material to be excavated and the engineering works necessary to facilitate the



development. This has prevented the assessment of the impacts of such works on the overall character and appearance of the area. The application is therefore considered to be as contrary to the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Residential amenity**

The site layout plan submitted indicates that the dwellings would be positioned 11m behind the front elevations of the properties in Derwen Aur, with 33m distance maintained between the front elevations of the proposed properties and the rear elevations of the dwellings in Coronation Terrace to the west. Although the site is raised relative to the internal floor levels of the properties Coronation Terrace and the street level of Derwen Aur, it is considered that the design and position indicated would prevent the proposal from generating a level of overlooking or loss of privacy significantly detrimental to the residential amenity of those living closest to the site. It is also considered that the orientation of the site and distances maintained would prevent a significant level of overshadowing or loss of light. The application is therefore considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Land Stability, Drainage and Flooding**

There is a historic issue of instability relating to the land to the rear of the site and adjacent to the properties on Derwen Aur. All of the public objections received, relate to the instability of the land as evidenced by the previous landslip and flooding implications as a result of water issuing from the site. In accordance with policies AW10 and NSA12 of the Rhondda Cynon Taf Local Development Plan, the application should provide a clear account of these issues and provide evidence that the development of the site would be safe and potential land stability, drainage or flooding concerns can be allayed.

Following consultation, the Authority's Land Reclamation and Engineering Department have advised that insufficient or conflicting details have been submitted with regards to flood risk or surface water drainage proposals and have requested additional information with regard to a hydrological impact assessment and full drainage details prior to determination.

Being mindful of the previous movements on the site, the number of water issues evident at the time of inspection and the level of excavation and engineering that would be necessary to accommodate the proposal, a number of reports, site investigations and calculations have been requested from the Agent. Despite repeated requests these documents and information have not been submitted for consideration. As such it is determined that insufficient information with regards to land stability, drainage and flooding has been submitted to prove that the development of the site would be safe and that issues with regard to these matters

can be adequately resolved, contrary to the requirements of policies AW10 and NSA12 of the Rhondda Cynon Taf Local Development Plan.

## **Highway Safety**

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

*"The proposed site is accessed via a number of residential streets which are sub-standard in terms of geometry, junction radii and width for safe two way vehicular movements due to the high demand for on-street car parking space.*

*The proposal will increase vehicular and pedestrian movement along these sub-standard residential streets to the detriment of safety of all highway users.*

*Derwen Aur leading to the site has sub-standard off street parking facilities which in turn results in vehicles totally blocking the only footway, causes damage to the fabric of the footway and increases trip hazards and maintenance liabilities for the Council.*

*The development is in excess of 10 dwellings, a Transport Assessment should therefore be submitted to allow an assessment of the impact of the proposal on the surrounding residential streets to be made.*

*The proposed internal access road is not in compliance with the criteria set out in the Rhondda Cynon Taf Design Guide for Residential and Industrial Estates Roads. The proposed road lacks adequate turnings areas for emergency service and delivery vehicles, footway width for safe pedestrian movements, hard margin strip on the western side and vehicular restraints.*

*In light of the topography of the site and the existing constraints, there is a lack of information with regards to the existing and proposed levels, retaining structures, vehicular restraints, tie in with the adopted highways, surface water drainage details and tie in with the rear lane to the west for a highway safety assessment to be undertaken.*

Despite repeated requests, these documents and information have not been submitted. It is therefore considered that insufficient information has been submitted to prove that the development would not be detrimental to the highway safety and free flow of pedestrian and vehicular traffic in the area, contrary to the requirements of policy AW5 of the Rhondda Local Plan

## **Other Considerations**

### **Ecology**

The site forms part of a larger Site of Importance for Nature Conservation (SINC), identified as AW8.45 Birchgrove Slopes in the Rhondda Cynon Taf Local Development Plan. In line with the requirements of policy AW8, evidence should be provided that the proposal would not unacceptably impact on the features of the site for which it has been designated. Otherwise it should be ensured that the benefits of the development, such as the need for new housing opportunities in the Northern Strategy Area and in the wider County Borough as a whole, clearly outweigh the nature conservation value of the site.

Following consultation, the Authority's Ecologist has requested the submission of a baseline ecological assessment, to allow the impact of the development on the SINC to be considered. Despite repeated requests, this document has not been submitted. It is therefore considered that insufficient information has been submitted to prove that the development would not have a detrimental impact on the SINC designation and the ecological value of the site and wider area contrary to the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Affordable Housing**

Policy NSA11 requires that development of 10 units or more in the Northern Strategy Area should provide a contribution of at least 10% affordable housing. Following consultation the Authority's Affordable Housing Officer has confirmed that based on the Local Housing Market Assessment, one three bedroom house should be provided on site and made available for sale as Low Cost Home Ownership to a Council nominated first time buyer from the Homestep Register, with the developer's contribution equating to 35% of the open market value for each unit. Although there is currently no mention of such a contribution in the application, such provision could be sought by way of a Section 106 Legal Agreement.

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

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

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

### **PLANNING OBLIGATIONS**

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

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

Should the application be approved, the developer will be required to enter into a Section 106 Legal Agreement to provide one, three bedroom house on site, to be made available for sale as Low Cost Home Ownership, with a developer contribution of 35% of the open market value for the unit.

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

## **Conclusion**

Based on the above report, it is considered that insufficient information has been submitted to prove that the development would not have a detrimental impact on the character and appearance of the area, land stability, drainage and flooding, highway safety and the ecological value of the designated SINC or wider area. The application is therefore considered as contrary to the requirements of policies AW5, AW6, AW8, AW10 and NSA12 of the Rhondda Cynon Taf Local Development Plan and recommended for refusal for the following reasons:

## **RECOMMENDATION: Refuse**

1. Insufficient information has been submitted to prove that the excavation and engineering works necessary to accommodate the proposal, would not have a detrimental impact on the overall character and appearance of the area, contrary to the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
2. Insufficient information with regards to land stability, drainage and flooding control has been submitted to prove that the development of the site would be safe and that issues with regard to land stability and drainage can be adequately resolved, contrary to the requirements of policies AW10 and NSA12 of the Rhondda Cynon Taf Local Development Plan.
3. Insufficient information has been submitted with regard to the following matters:
  - Transport statement, existing and proposed levels;
  - Restraining structures;
  - Vehicular restrains;
  - Tie in with the adopted highway;
  - Surface water drainage details; and
  - Tie in with the rear lane to the west.

to prove that the development would not have a detrimental impact on the

highway safety and free flow of pedestrian and vehicular traffic in the area, contrary to the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The access road as proposed is sub-standard in terms of turning area, footway width, lack of margin strip to the west and vehicular restraints. The application is therefore determined as detrimental to highway safety and free flow of pedestrian and vehicular traffic in the area, contrary to the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.
5. Insufficient information has been submitted to prove that the development would not have a detrimental impact on the Mosaic Ffridd SINC of which the site forms part, contrary to the requirements of policy AW8 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**

**17 DECEMBER 2015**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**OFFICER TO CONTACT**

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**See Relevant Application File**