

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL COMMITTEE
17 DECEMBER 2015**

**REPORT OF: SERVICE DIRECTOR
PLANNING**

	Agenda Item No.8
<p>APPLICATION NO: 15/0902 PROPOSAL DEMOLITION OF FORMER BARNS / WORKSHOPS TO FORM SITE FOR THE ERECTION OF TWO DETACHED DWELLINGS USING THE EXISTING ACCESS WITH SMALL MODIFICATIONS TO ENTRANCE, CWM HYFRYD, HILL STREET, HENDREFORGAN, GILFACH GOCH, PORTH</p>	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the proposed development together with this report and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to a meeting of the Development Control Committee on 19th November 2015 with a recommendation that it be refused for the following reason:

1. Highway objections are raised against the proposal, which are considered contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan, for the following reasons:

- i) The proposed additional use of the sub-standard access which is lacking in adequate carriageway width to facilitate safe and satisfactory two-way traffic will create increased reversing movements to the detriment of the safety of all highway users.
- ii) Any further intensification of use of a sub-standard access which is lacking in adequate visibility to its right onto Hill Street which would be exacerbated by its acute angle for vehicles emerging from the site will create additional hazards to the detriment of highway and pedestrian safety.

- iii) Any further intensification of use of a sub-standard access which is lacking in continuous segregated footway facilities leading to the site will create additional hazards to the detriment of pedestrian safety.
- iv) The proposed development will generate additional on-street parking to the detriment of highway safety and the free flow of traffic.
- v) The proposal that would result in a maximum of 6 dwellings being served off a private shared access is not in compliance with the requirements for a residential estate road as set out in the Council's adopted Design Guide to the detriment of highway safety and the free flow of traffic.

Following consideration of the proposal, as Members were minded to approve the application contrary to the recommendation of the Service Director (Planning) because they considered the proposed development would not be detrimental to highway and pedestrian safety, the current use of the site as a timber fabricators and storage area generated more traffic movements than the proposed development and the removal of the former barns/workshop, which were an eye-sore, would be beneficial to the residents of the adjoining street. It was therefore resolved that the matter be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary in consultation with the Director of Legal and Democratic services, upon the strengths and weaknesses for taking a decision contrary to recommendation, prior to determining the matter (Minute 110 refers).

The material considerations of the planning application are considered in full in the original committee report (reproduced as Appendix A). The key issues are considered to be the appropriateness of the development; the impact on neighbouring properties; the effect on the visual amenity of the area and the effect on highway safety. In arriving at a judgement on the proposal, it is considered that the application would be appropriate in terms of the use of the site for residential development, would not have a detrimental effect on the residential amenity of neighbours or the visual amenity of the area. However, it is considered that the proposal would be detrimental to highway safety.

Consequently, it is considered that the current scheme is contrary to provisions of the Local Development Plan, in particular highway safety considerations, and is recommended for refusal. However, if after further consideration, Members are of the opinion that the application should be approved, the following conditions are suggested to reflect their views as previously expressed.

Planning Conditions and Reasons

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

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

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

- Site location plan/proposed floor plans/elevations Plot 1, dated 29/06/15
- Block plan/ proposed floor plans/elevations Plot 2, dated 29/06/15
- Attic floor plans Plots 1 and 2, dated 29/06/2015

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

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

4. No development shall commence until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

6. No development shall commence until samples of the materials 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.

7. No development shall commence until an appropriate photographic survey of the existing buildings on site has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting photographs shall be deposited within the adopted Rhondda Cynon Taf Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: 01792 655208).

Reason: The building is of historic and cultural significance the specified records are required to mitigate the impact of the development in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

8. The development shall be carried out in accordance with the recommendations and precautionary measures both in respect of bats and nesting birds contained within the Ecological Report submitted with the application entitled "Hill Street Barn, Gilfach Goch – survey for bats and nesting birds" by David Clements Ecology Limited, dated June 2015 unless otherwise agreed 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. Construction works on the development shall not take place other than during the following times:
 - a) Monday to Friday 0800 to 1800 hours
 - b) Saturday 0800 to 1300 hours
 - c) Nor 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top

study has been completed satisfying the requirements of paragraph (1) above.

3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

11. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 10) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

12. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

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

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

14. 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.

Whilst it is acknowledged that the application was not considered by Members to be detrimental in highway safety terms, a further condition is suggested below which Officers consider would improve highway safety for the benefit of existing and future residents using the access.

15. The existing shared access and turning area shall be delineated and the highway verge abutting the site replaced with pedestrian footway in accordance with the Councils specification and details (to be attached with the decision notice).

Reason: to define the limits of the private shared access and in the interests of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPENDIX A

APPLICATION NO: 15/0902/10 (BJW)
APPLICANT: Messrs R & K John
DEVELOPMENT: Demolition of former barns / workshops to form site for the erection of two detached dwellings using the existing access with small modifications to entrance.
LOCATION: CWM HYFRYD, HILL STREET, HENDREFORGAN, GILFACH GOCH, PORTH, CF39 8TW
DATE REGISTERED: 03/07/2015
ELECTORAL DIVISION: Gilfach Goch

RECOMMENDATION: Refuse

REASON:

The proposal does not provide for satisfactory access, visibility, circulation and parking and for these reasons highway objections are raised against the scheme.

APPLICATION DETAILS

Full planning permission is sought for the erection of two detached dwellings at Cwm Hyfryd, Hill Street, Gilfach Goch. The application is being reported for Members consideration at the request of Councillor Aufron Roberts in order to assess the impact of the proposal on highway safety.

An application for two detached dwellings was previously submitted for the site under reference 14/1486/10. That application was refused by a delegated decision due to there being insufficient information to appropriately determine the impact of the scheme, which would involve the demolition of a former barn building, on protected species (bats) and the lack of satisfactory access, visibility, circulation and parking meaning that the proposal was detrimental to highway safety.

The current application includes an ecology report from David Clements Ecology Limited in respect of bats and nesting birds at the barn that it is proposed to demolish as part of the proposed development. The scale, design, layout and means of access to the properties are identical to the previously submitted scheme the details of which are as follows:

The proposed dwellings would be sited in a small 'cul de sac' arrangement that comprises four existing dwellings and a former barn building. The barn building is currently used for workshop purposes and would be demolished as part of the proposal.

The proposed dwellings would be slightly elevated above the highway flanking the southern boundaries of the site (Hill Street) and both buildings would have a two-storey design with useable roof space and roof dormers. Each of the dwellings would have comparable footprints measuring 9.9 metres in depth by 12.8 metres in length with

overall heights of 9.0 metres from ground level. Internally the dwellings would have similar layouts, comprising ground floor living accommodation, four bedrooms and bathrooms at first floor level and playrooms within the roof space.

Whilst each dwelling would comprise projecting front gable features their external appearances somewhat vary in their general appearance, fenestration arrangements and design features. The dwellings would be broadly sited alongside one another with their principal front elevations facing away from Hill Street. Each plot would have surrounding garden areas. The submitted planning forms indicate each dwelling would benefit from 3 off-street car parking spaces although these are not detailed on the submitted layout drawings. Access to each dwelling would be off Hill Street, via a narrow, meandering driveway that serves the four existing properties clustered around this means of access.

The application is also accompanied by a Design and Access statement.

SITE APPRAISAL

The application site comprises an irregular plot of land sited in a slightly elevated position opposite nos. 17 to 35 Hill Street, Gilfach Goch and presently accommodates a former barn building that is now used as a workshop. Comments raised from Glamorgan Gwent Archaeological Trust highlight aspects of the barn appear to represent the only standing remains of Gilfach Farm, that is shown on the 1st edition Ordnance Survey map of 1877, and therefore it has a degree of local historical and cultural significance.

A small informal yard/grassed area with areas of planting immediately surrounds the existing building. The land slopes gently upwards from Hill Street, with three modern, large dwellings being developed to the north east and west of the site. An older detached dwelling building is also positioned to the north of the application site beyond which is open countryside. Access to the site is via a narrow drive off Hill Street that also serves the four existing dwellings that surround the site (2 of the existing dwellings and the access road fall within the ownership of the applicant as indicated by the blue line boundary on the submitted OS plan).

PLANNING HISTORY

14/1486	Cwm Hyfryd, Hill Street, Hendreforgan, Gilfach Goch	Demolition of former barns and erection of two houses.	Refused 06/01/15
08/0078	Land at Gilfach Farm, Hill Street Gilfach Goch	Proposed erection of 2 four bedroom dwellings on plots 1 and 2.	Granted 01/04/08
07/2033	Land at Gilfach Goch, Hill Street Gilfach Goch	Detached four-bedroom house (re-submission).	Granted 09/01/08
07/0845	Land at Hill Street, Gilfach Goch	Erection of four bedroom house.	Refused 03/07/07
06/0480	Grounds at Gilfach Farm Hill Street Gilfach Goch Porth	Erect 3 no. residential houses (resubmission)	Granted 18/08/06
05/2165	Gilfach Farm House Hill Street, Hendreforgan, Porth	Change of Use to a workshop for timber fabricators and storage areas	Granted 17/03/06
05/1524	Grounds of Gilfach Farm Hill Street Gilfach Goch, Porth.	Erect 5 No. detached properties.	Refused 13/12/05
93/0651	Gilfach House Hill Street Gilfach Goch Porth	Residential development	Refused 26/10/93

PUBLICITY

The application has been advertised via direct neighbour notification and site notice. No letters of objection or representation have been received.

CONSULTATIONS

Transportation Section - objections are raised for the following reasons:

- i) The proposed additional use of the sub-standard access which is lacking in adequate carriageway width to facilitate safe and satisfactory two-way traffic will create increased reversing movements to the detriment of the safety of all highway users.
- ii) Any further intensification of use of a sub-standard access which is lacking in adequate visibility to its right onto Hill Street which would be exacerbated by its acute angle for vehicles emerging from the site will create additional hazards to the detriment of highway and pedestrian safety.
- iii) Any further intensification of use of a sub-standard access which is lacking in continuous segregated footway facilities leading to the site will create additional hazards to the detriment of pedestrian safety.
- iv) The proposed development will generate additional on-street parking to the detriment of highway safety and the free flow of traffic.
- v) The proposal that would result in a maximum of 6 dwellings being served off a private shared access is not in compliance with the requirements for a residential estate road as set out in the Council's adopted Design Guide to the detriment of highway safety and the free flow of traffic.

Land Reclamation and Engineering - no objection, conditions are suggested in relation to the drainage of the development.

Welsh Water - no objection, subject to conditions on drainage.

Public Health and Protection Section - no objection, subject to a condition relating to the hours of operation during the construction phase of the development and the undertaking of a contamination study for the site.

Wales and West Utilities - no objection. The location of Wales and West Utilities' apparatus is provided. The developer should be advised to contact Wales and West Utilities to ensure their apparatus is not affected by the development and safe working practices are adhered to.

Countryside Landscape, Ecology - the bat/bird survey is a competent and thorough assessment and concludes for bats that 'no further surveys are considered to be required prior to demolition works being undertaken, and these works are considered to be unconstrained with respect to bats'. However it recommends that 'the works should, however, be subject to precautionary measures both in respect of bats and nesting birds'. It is therefore recommended that should consent be granted that the recommendations within the report in relation to bats and nesting birds should be included by condition.

Glamorgan Gwent Archaeological Trust - raise no objection. The former barn building does have some local historical and cultural value and therefore an appropriate photographic record of the interior and exterior of the building should be made prior to

any commencement of development. An appropriate condition is therefore suggested accordingly, should planning permission be granted.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the Southern Strategy Area, unallocated and within the defined settlement boundary.

Policy CS2 - emphasises the need for sustainable growth that benefits the whole of the Borough.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

Policy AW5 - specifies criteria for new development, highlighting (amongst others) development should be satisfactory in terms of accessibility.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

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

Policy SSA11 - discusses the need to achieve appropriate housing densities for the Southern Strategy Area.

Policy SSA13 - supports development within the settlement boundary subject to criteria.

Planning Policy Wales

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's 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) 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

Rhondda Cynon's Taf Supplementary Planning Guidance (SPG) on Delivering Design and Placemaking: Access, Circulation and Parking Requirements.

Highways Development Control Design Guide 2014

REASONS FOR REACHING THE RECOMMENDATION

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

made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Main Issues:

Principle of the development

The site is within the defined settlement boundary of the Southern Strategy Area where development proposals are usually considered acceptable (Policy CS2), subject to compliance with other key policies of the Local Development Plan. Policy AW5 of the Local Development Plan however states that development proposals should not be supported where they raise adverse highway safety issues. Policy AW8 of the Local Development Plan further highlights that the impact of development proposals on protected species should be appropriately considered. Each of these matters and the other key considerations of visual and residential amenity are considered in detail below.

Highway Safety

With reference to highway safety issues, the Transportation Section has raised objection against the proposal. This is consistent with their objections to the previously submitted scheme and the access arrangement which are unchanged in the resubmission.

Access to the site is off Hill Street via a sub-standard, acute angled, private shared access which is approximately 2.6 metres in width off Hill Street and lacking adequate width of carriageway to facilitate safe and satisfactory two-way traffic. There is also a lack of continuous segregated footway facilities fronting the site boundary that would result in pedestrians sharing the same road surface as moving vehicles. Any further intensification of such an access would result in reversing movements to the detriment of the safety of all highway users and create additional hazards to the detriment of pedestrian safety in the area.

Visibility to the right from the site onto Hill Street is also restricted and is further exacerbated by the acute angled junction. The addition of two further dwellings on this site would also result in 6 dwellings in total being served off a private shared access that would require the access and internal layout to be constructed to an adoptable standard in compliance with Council Guidance, although the access arrangements fall significantly below the expected standards. The submitted layout plans show no off-street car parking arrangements for the dwellings, and although the submitted forms indicate off-street car parking would be provided, doubt is raised about the proposed delivery and layout of appropriate off-street spaces in accordance with the adopted SPG.

Overall, as was previously the case, the proposal does not provide for satisfactory access, visibility, circulation and parking and for these reasons a highway objection is raised against the scheme.

Ecology

The ecology report submitted with the application has been examined by the Council's Ecologist who has raised no objection subject to the recommendations of the report being included as a condition(s) should consent be granted.

It is considered that this reflects the competent and comprehensive nature of the information that has been provided and would adequately mitigate the impact of the development on statutory protected species at the site.

Visual Amenity

In terms of the general design and appearance of the new dwellings, some concerns were raised previously about the general style and differing appearance of the proposed dwellings especially when compared to the design of the three large dwellings that have recently been erected adjacent to the site.

The current application is identical to the previous scheme and therefore these concerns remain.

It is considered that the design, particularly the fenestration arrangements and finishing materials should be more reflective of the existing dwellings, which would give the 'cul-de-sac' development a more cohesive appearance. Whilst no overall objection against the scheme in design terms was raised, it was suggested that any future planning application should address this issue and this advice has not been followed.

Comments received from Glamorgan Gwent Archaeological Trust (GGAT) in relation to the historic status of the barn are noted, although the building is not Listed and its demolition alone would not be considered a refusal reason in this instance.

Residential Amenity

With regard to the impact of the proposal on the residential amenity of surrounding properties, it was previously considered that the development would have an acceptable impact. The layout and scale of the proposal is unchanged and therefore this opinion remains.

The site is relatively large and appropriately offset from existing residential properties to maintain privacy standards in the area with no residents raising objections against the scheme following the consultation process.

A residential use would arguably be more compatible with the predominant residential land use of the locality in comparison to the relatively small scale work shop use currently operating from the site.

Other Issues

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 and Protection & Drainage

The comments of both the Public Health and Protection Division and the relevant Drainage Bodies have been acknowledged and considered for the development proposal. Subject to the imposition of conditions and relevant advisory notes the development is considered satisfactory in these respects.

Community Infrastructure Levy (CIL)

The application site is situated within an area (Zone 1) which is exempt from CIL liability (with refusal of the scheme also being recommended).

CONCLUSION

Having taken account of the issues outlined above, it is considered that the proposed development fails to accord with the requirements of planning policy as the proposal raises significant highway safety concerns. The application is therefore recommended for refusal.

RECOMMENDATION: Refuse

1. Highway objections are raised against the proposal, which is considered contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan, for the following reasons:
 - vi) The proposed additional use of the sub-standard access which is lacking in adequate carriageway width to facilitate safe and satisfactory two-way traffic will create increased reversing movements to the detriment of the safety of all highway users.
 - vii) Any further intensification of use of a sub-standard access which is lacking in adequate visibility to its right onto Hill Street which would be exacerbated by its acute angle for vehicles emerging from the site will create additional hazards to the detriment of highway and pedestrian safety.
 - viii) Any further intensification of use of a sub-standard access which is lacking in continuous segregated footway facilities leading to the site will create additional hazards to the detriment of pedestrian safety.
 - ix) The proposed development will generate additional on-street parking to the detriment of highway safety and the free flow of traffic.
 - x) The proposal that would result in a maximum of 6 dwellings being served off a private shared access is not in compliance with the

requirements for a residential estate road as set out in the Council's adopted Design Guide to the detriment of highway safety and the free flow of traffic.



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

DATE

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 15/0902
PROPOSAL DEMOLITION OF
FORMER BARNs / WORKSHOPS
TO FORM SITE FOR THE
ERECTION OF TWO DETACHED
DWELLINGS USING THE
EXISTING ACCESS WITH SMALL
MODIFICATIONS TO ENTRANCE,
CWM HYFRYD, HILL STREET,
HENDREFORGAN, GILFACH
GOCH, PORTH**

OFFICER TO CONTACT

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See Relevant Application File