

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**DEVELOPMENT CONTROL
COMMITTEE
22 JUNE 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 7
APPLICATIONS RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No: 17/0195 - Outline planning application for residential development of approximately 15 dwellings, open space, landscaping, drainage features and associated infrastructure with all matters reserved except access. Land to the rear of Sion Terrace, Cwmbach, Aberdare.

APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 17/0195/13 (JAW)
APPLICANT: Mr Turner
DEVELOPMENT: Outline planning application for residential development of approximately 15 dwellings, open space, landscaping, drainage features and associated infrastructure with all matters reserved except access.
LOCATION: LAND TO THE REAR OF SION TERRACE, CWMBACH, ABERDARE, CF44 0AT
DATE REGISTERED: 13/03/2017
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Refuse

REASONS:

There is concern the existing access road leading to the site and the proposed access road are sub-standard which would be to the detriment of the safety of all highway users and free flow of traffic.

Insufficient information has also been submitted to demonstrate that the development proposed would not have a detrimental impact on species contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal due to the size of the site is not covered by determination powers delegated to the Service Director Planning.

APPLICATION DETAILS

This is an application for outline planning permission for residential development of approximately 15 dwellings, open space, landscaping, drainage features and associated infrastructure. All matters of detail are reserved for subsequent consideration with the exception of access. Although described as land rear of Sion Terrace a more accurate description is land between the rear of dwellings in Crown Row and Bron Haul.

As an outline application with all matters, except access reserved for future consideration the applicant has provided the following minimum and maximum dimensions for each building proposed for this development.

Each dwelling would be between 7m and 9m high to ridge, between 4m and 12m wide (which can be combined to make a building form of up to 25m wide) and between 5m and 12m in length.

Each garage would be between 4m and 5m high to ridge, between 3m and 7m wide (street frontage) and between 6m and 7m in length.

Access to the site will be served via Sion Terrace/Crown Row. The proposal is to construct a new access road into the site comprising a 5.5m wide carriageway with 2m wide footways either side which will be located between Nos. 6 and 7 Crown Row.

Though details of layout, scale, appearance and landscaping are reserved for subsequent consideration an indicative layout plan has been submitted which shows the layout of fifteen dwellings served via an access road and private drive with associated garages and parking spaces.

The planning application forms, certificates and plans are also accompanied by the following documents:

- Pre-application consultation report (required for all major planning applications (full or outline) received on or after 1st August 2016).
- Planning Statement.
- Design and Access Statement.
- Transport Statement.
- Topographical Survey.
- Coal Mining Risk Assessment Report .
- Preliminary Ecological Appraisal.
- Flood Consequences Assessment (including surface/foul water drainage strategy).

SITE APPRAISAL

The site slopes steeply down from north-east to south-west and measures approximately 0.62 hectares. The submitted topographical survey shows an approximate difference of 15m between the top of the site and boundary with the dwellings in Crown Row. It comprises horse grassland (improved pasture), sheds and stables at its north-western side and a bank of bracken/bramble.

The site is surrounded by residential properties with the rear of dwellings in Crown Terrace to the south-west, the rear of dwellings in Bron Haul to the north-east.

Cwmbach Church in Wales Primary School, a children's play area and amenity grassland lie to the south-east. An area of mature ancient woodland and a brook abuts the north-western side of the site.

Sion Terrace/Crown Row comprises predominantly terraced properties, with dwellings in Sion Terrace set at the back of the pavement and those in Crown Row set back with gardens to the front.

Access to the site is currently gained between 6 and 7 Crown Row with a field gate gaining access into the site. There is a garage located to the front of No. 7 Crown Row.

Along the south-western side of Sion Terrace/Crown Row is a grasscrete lay-by providing off-carriageway parking for existing dwellings.

Crown Row/Sion Terrace is closed off to through traffic to the remainder of Crown Terrace at a point approximately 50m north-west of Bro Deg; a set of steel barriers prevents motor vehicle access yet still permits pedestrians and cyclists.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised by means of a press notice, site notices and neighbour notification letters.

A petition has been received signed by 16 signatories of Sion Terrace which states "petition to stop residential development on land north of Sion Terrace"

Seven letters of objection has been submitted raising the following issues:

- There are no pavements in Sion Terrace or Crown Row with residents having to step out onto a narrow road and more traffic will make it more dangerous. Sion Terrace/Crown Row is blocked one end to allow children to walk to school safely.
- Fifteen houses would generate approximately 30 extra vehicles which is too much. People attending communities first and cornerstone church, including a mothers and babies clinic already use this narrow road which is unsuitable to serve this amount of vehicles.
- Sion Terrace/Crown Row is a single lane road, only suitable for small vehicles. Refuse lorries have to manoeuvre 2-3 times to enter this road.

Large lorries and earth moving machinery would have to gain access through this narrow road.

- Existing drainage problems, including flooding to houses in Crown Row coming mainly from the application site. Crown Row drainage is already run at capacity due to age and condition of drains.
- Children play in Crown Row and fear their freedom will be taken away from them due to works traffic and extra traffic to site.
- Proposal will cause noise nuisance and disturbance from traffic.
- There are hedgerows in the field behind Crown Row where song bird's nest and dormice live in the hedgerows.
- Concern loss of daylight, overshadowing and privacy due to size and location of development and properties.
- Application should read north of Crown Row.

One letter of support advising that houses are needed in the area.

CONSULTATION

Transportation Section – objects to the proposed development.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions.

Natural Resources Wales – no objection.

Dwr Cymru/Welsh Water – no objection subject to conditions and advisory notes.

Western Power Distribution – no response received within the statutory consultation period.

Wales and West Utilities – no response received within the statutory consultation period.

South Wales Fire and Rescue Services – consideration should be given to the provision of adequate water supplies for fire fighting purposes and access for emergency appliances.

South Wales Police – no objection.

Countryside Section – advises that insufficient information has been received to fully assess the proposed development.

Housing Strategy – the development requires 10% affordable housing provision on sites or more than 10 dwellings in the northern strategy area. As the proposal indicates 15 units, 2 units of affordable housing should be secured to satisfy these requirements.

Coal Authority – no objection subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the northern strategy area, within the defined settlement boundary.

Policy CS1 – The policy focus is on developing sustainable communities to support and reinforce the role of the Principle Town of Aberdare, achieved by providing high quality, affordable accommodation and ensuring the removal and remediation of under used and previously used land.

Policy CS4 - defines housing land requirements

Policy CS5 - requires provision of affordable housing

Policy AW1 - sets out the means by which new housing will be delivered through the development plan

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW4 - lists community infrastructure and planning obligation contributions which the Council may seek in respect of key settlements.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

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

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

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy NSA10 – reinforces housing density targets for residential development proposals, stating that proposals should be a minimum of 30 dwellings per hectare.

Policy NSA11 – seeks 10% affordable housing provision.

Policy NSA12 – gives criteria for development within settlement boundaries.

Relevant Supplementary Planning Guidance

Design & Placemaking

Affordable Housing

Planning Obligations
Access Circulation & Parking requirements

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 9th Edition

Chapter 2 (Development Plans)
Chapter 3 (Making and Enforcing Planning Decisions),
Chapter 4 (Planning for Sustainability),
Chapter 7 (Economic Development),
Chapter 8 (Transport),
Chapter 9 (Housing),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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 2: Planning and Affordable Housing;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The site is located within the settlement boundary of Cwmbach, in a sustainable location in close proximity to local facilities and public transport provision.

The site measures approximately 0.62 hectares and is currently used to accommodate sheds and stables at the north-western corner of the site. There is no objection to the loss of these informal leisure buildings. Policy NSA10 requires that there is a density ratio of at least 30 dwellings per hectare, therefore the size of the site would normally require between 18 and 19 dwellings. However, criteria 2 of NSA10 states that lower density levels may be permitted if it can be demonstrated that it is to protect the amenity of existing or future residents. Having regard to the section of open space proposed to protect the ancient woodland at the north-western side of the site, the site being steeply sloping and the residential properties adjacent to the boundary it is considered that a slightly lower density of approximately fifteen dwellings is acceptable in this case.

Policy NSA11 requires 10% affordable housing provision on sites of 10 units or more in the northern strategy area. As the indicative proposal is for 15 units, 2 affordable units should be secured to satisfy the requirement of this policy. However, the submitted application form indicates that all fifteen dwellings would be market dwellings with no affordable housing proposed. The application is therefore deficient in terms of meeting the requirements of Policy NSA11. Should Members be minded to grant outline planning permission it is recommended this matter is discussed further with the applicant prior to the determination of the application.

Highway considerations

The concerns of local residents relating to highway safety and parking as set out under the heading publicity earlier in the report are acknowledged.

The Highways and Transportation Section has considered the proposed development and has raised an objection. In arriving at this conclusion highway officers have given careful consideration to the key issues that affect the proposal, including the Transport Statement and 85th %tile wet weather speeds along Sion Terrace submitted in support of the application and considerations including highway and pedestrian safety, visibility, turning facilities and parking.

There is major concern that the access road leading to the site Crown Row/Sion Terrace is sub-standard in terms of width for safe two-way vehicular movement, sub-standard junction radii with Bridge Road and lack of segregated footway facilities to accommodate the increase in vehicular and pedestrian movement associated with the proposed development.

The proposed new access road to be considered as part of the application is sub-standard in terms of visibility at the junction, junction radii, lack of continuous footway

at the turning head and lack of swept path analysis leading to unacceptable highway and pedestrian safety concerns.

For the reasons outlined above the proposed development is contrary to policy AW5 of Rhondda Cynon Taf Local Development Plan.

It should also be noted that no assessment of off-street car parking to be provided has been undertaken due to the lack of information for the individual plot sizes/bedrooms and the private shared access is sub-standard in terms of width for safe two-way vehicular movement and sub-standard turning area. However, these are matters that are more appropriately addressed at reserved matters stage.

Impact on the character and appearance of the area

The submitted layout plan, shows the location of the proposed access roads, however, the details of the dwellings around the roads are currently indicative only and indicates the provision of fifteen dwellings on the site with the submitted application form advising that they will comprise 2 2-bed dwellings, 7 3-bed dwellings and 6 4 (or more) bed dwellings.

It is considered that the steeply sloping nature of the site will influence the siting of the dwellings. The submitted minimum and maximum dimensions, including a ridge height range for the dwellings between 7m and 9m are considered acceptable. The principle of siting the dwellings around the access road is acceptable, however there are currently no design details, including sections and levels to make an assessment of the impact of the dwellings on both the character and appearance of the area and on neighbouring residential amenity. It must be kept in mind, however, that this is an outline application with all matters of details except access reserved. It is therefore considered that these are issues that are more appropriately addressed at reserved matters stage.

Impact on residential amenity and privacy

As discussed earlier as an outline application with all matters except access being reserved there is no detail of the proposed dwellings, except minimum and maximum measurements to consider. However the application has been supported by an illustrative layout plan of the dwellings. The illustrative plan arranges the dwellings around the proposed access road and due to the steeply sloping nature of the site there is some concern with regards to the illustrative siting of the dwellings and a garage to the rear of Crown Row. The indicative layout shows a garage sited a distance of only 5m from and the side elevation of a dwelling 15m away from the rear of dwellings in Crown Row which due to the topography of the site will be located at a higher level than the rear elevation of the dwellings in Crown Row. In addition, the indicative layout indicates a distance of between 22m to 26m between the rear elevations of proposed dwellings and the rear of dwellings in Crown Row. It is felt that due to the steeply sloping nature of the site the indicative layout could result in a

detrimental impact on existing residents. Therefore, although details of layout and scale are reserved for future consideration there is some concern with regards to the development and the likely impact on dwellings in Crown Row.

Other Issues:

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

The concerns of local residents located below the site in Crown Row regarding existing drainage problems from the application site are noted.

The application has been supported by the submission of a Flood Consequences Assessment including surface water/foul drainage strategy, dated December 2016 prepared by Vectos. The report advises that the site is located in Zone A of the Development Advice Maps in an area that is considered to be at little or no risk of fluvial flooding. The report acknowledges that there is a minor surface water path flow that passes through the middle of the site, which can be mitigated through site layout. The proposal is an attenuation led drainage strategy to manage surface water from the site via discharge to the adjacent unnamed watercourse, which is subject to detailed design. The Council's Flood Risk Management Officer has advised that the proposed discharge of surface water is suitable in principal. Welsh Water and Natural Resources Wales have also raised no objection to the principal of the proposed drainage of the site. In the event of planning permission being granted it is recommended that a condition be included to require the submission of a comprehensive drainage scheme for both foul and surface water. The drainage scheme would also be required to address any existing drainage run-off issues to dwellings below site in Crown Row.

The application has been supported by a Preliminary Ecological Appraisal, dated September 2016 prepared by RPS which is a phase 1 habitat survey with assessment of species potential.

In term of species the assessment concludes that there are no bat roost opportunities on the site, although it does identify potential bat foraging habitat. Given the close proximity of the ancient mature woodland some bat activity survey work is required in order to assess the significance of this site as bat foraging and connectivity habitat. In terms of badgers, the report states no evidence of badger usage; however, it also recommends a survey for areas of bracken/bramble that couldn't be accessed. More clarity is therefore required on badger potential. The bank is south facing and has reptile potential. The submitted report highlights the need for a reptile survey and some more definition of the reptile use of the site is required.

The indicative layout suggests the retention of a managed Public Open Space area on the sites north-western (woodland) edge and also encompassing the mature tree.

In the event of planning permission being granted those identified spaces would be secured through their long term management and aftercare.

Japanese knotweed is present on the site and will need to be controlled and the stream that runs across the sites western edge will need to be protected during development.

Having regard to the above additional species surveys are required to help define bat, badger and reptile status. It is therefore considered that there is currently insufficient information to fully assess the application in terms of the potential impact of species. Should Members be minded to grant planning permission, it is recommended further survey work should be carried out prior to the determination of the application.

The Coal Authority advises that the site lies within the defined development high risk area. The application has been supported by a Coal Mining Risk Assessment Report, dated December 2016 prepared by Terra Firma (Wales) Limited which concludes that there is a potential risk posed to the development from past coal mining activity. The report therefore recommends that intrusive site investigations should be carried out on site in order to establish the exact situation in respect of coal mining legacy issues on site. In the event of planning permission being granted it is recommended that a condition be included to require these investigation works take place and any required remedial work be undertaken prior to commencement of work on site.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated at the reserved matters stage. However, the application site lies within zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

Conclusion

Taking all the above into consideration the site is located in the settlement boundary in a sustainable location where the principle of developing the site for approximately 15 dwellings is acceptable, subject to 10% affordable housing being provided on the site. The detailed design of the dwellings, including sections is reserved for future consideration, which will assess the suitability of the dwellings on the character and appearance of the area, and neighbouring residential amenity. The level of parking and the private shared access are also issues more appropriately considered at reserved matters when the layout of the site will be fully considered.

Details of access is to be considered at this stage and it is considered that the existing access road leading to the site and the proposed access road to serve the development are sub-standard which would be to the detriment of the safety of all highway users and free flow of traffic. The proposal is therefore considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Insufficient information has also been submitted to demonstrate that the development proposed would not have a detrimental impact on species contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Refuse

1. The proposed development is contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan in that:
 - Sion Terrace / Crown Row leading to the site is sub-standard in terms of: width for safe two-way vehicular movement, sub-standard junction radii with Bridge Road, acute angled junction with Bridge Road, sub-standard forward vision with Sion Terrace and lack of segregated footway facilities and therefore further intensification of traffic and pedestrian movement would be to the detriment of the safety of all highway users and free flow of traffic.
 - The proposed access road is sub-standard in terms of junction radii, sub-standard visibility to the detriment of the safety of all highway users and free flow of traffic.
 - The swept path submitted indicates that both carriageway lanes will be required for access/egress to the site to the detriment of safety of all highway users and free flow of traffic.
 - There is a lack of information with regards access road vertical alignment to assess the impact on highway and pedestrian safety.
2. Additional species surveys are required to help define bat, badger and reptile status. Therefore, insufficient information has been received to fully assess the impact of the proposed development on species contrary to 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

22 JUNE 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

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See Relevant Application File

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