

**PLANNING & DEVELOPMENT COMMITTEE**

**20 DECEMBER 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**APPLICATION NO:** 18/1079/08  
**(GH)**  
**APPLICANT:** Rhondda Cynon Taf CBC  
**DEVELOPMENT:** Residential development (Outline).  
**LOCATION:** **LAND EAST OF AND ADJACENT TO THE JUNCTION  
OF BRYNMAIR ROAD AND FFORCHAMAN ROAD,  
CWMAMAN, ABERDARE**  
**DATE REGISTERED:** 24/09/2018  
**ELECTORAL DIVISION:** Aberaman South

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**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

**REASONS:**

The proposal would be in keeping with surrounding land uses and the application demonstrates that a dwelling could be sited such that it would be sympathetic to the context of the street scene and its relationship with neighbouring properties. In addition outline planning consent would provide a well-located development plot that would offer a convenient opportunity for a self-build dwelling to meet the housing needs of local residents.

Consequently, the proposed development, being located within the settlement boundary and in a sustainable location, as defined by LDP Policies AW1, AW2 and NSA12, is considered to be acceptable in principle.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

**APPLICATION DETAILS**

Outline planning consent is sought for the construction of one dwelling on land adjacent to the junction of Fforchaman Road and Brynmair Road, Cwmaman. The land is irregular in shape and encompasses an area of approximately 0.056ha.

Although the application is made in outline with all matters reserved for future consideration, the submission is accompanied by an indicative layout and supporting information which demonstrates that a single dwelling is proposed, with direct access from the existing highway.

The applicant has provided minimum and maximum parameters of scale as follows:

Width: 4m to 12m  
Depth: 6m to 12m  
Height 5m to 11m

The application is one of a number of similar developments proposed by the Council as part of a new housing strategy entitled 'Plot Shop'.

As explained at a previous Committee presentation, the purpose of the strategy is to increase the housing land supply by releasing land within the Council's ownership, where outline planning permission has already been granted.

The strategy is targeted particularly at locations where developer interest has not been strong and where market housing has not been able to address the needs of communities and local families.

Furthermore, by helping to address the complexities of identifying potential development sites and securing outline consent in advance of sale, it is anticipated that the Plot Shop scheme will help to address the low number of self build homes being constructed within RCT.

## **SITE APPRAISAL**

The application property is a piece of land located within the north-eastern side of Cwmaman, and which is adjacent to the mini roundabout at the junction of Brynmair Road and Fforchaman Road.

The surface area of the land amounts to 566m<sup>2</sup> and although mostly flat is of a tapering shape which widens considerably to the south-west.

Currently maintained as a grassed public open space, the land is enclosed by the public highway to the north-west, the boundary no.113 Fforchaman Road to the south and open land and allotments to the east.

The land is not subject to any environmental designations or constraints.

## **PLANNING HISTORY**

There are no recent or relevant applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to seven neighbouring properties and notices were displayed on site.

Twenty-one letters of objection have been received raising concerns in respect of the following:

- Highway safety and on-street parking issues

- There are a culvert and water main below the surface. A resident was advised that the ground could not be built on because of these. Welsh Water rerouted a pipe to supply Pit Row under the land.
- The ground is used by wildlife and there is Japanese Knotweed on part of the site
- The land is one of the few remaining green areas on the main road and it is used as a play area, for residents to meet and sit on the bench, and for community gatherings
- A resident has a side entrance opening onto the land
- A building on the land would cause overlooking of the closest house, which has a side window, and overlooking of others.
- Development would not respect the local context and street pattern, being of a scale and proportions at odds with the traditional terraced houses and causing cramming
- The proposal would not comply with Government guidance

These matters are considered within the body of the report further below.

## **CONSULTATION**

Highways and Transportation - no objection subject to conditions.

Public Health and Protection - no objection subject to conditions regarding noise, dust, waste, demolition, hours of operation.

Dwr Cymru/Welsh Water - DC/WW requests that conditions relating to sewerage and surface water be applied should the development received consent.

Wales and West Utilities - WWU notes the proximity of underground services to the application site, and has supplied a list of general conditions and a plan.

Countryside - Ecologist - the site is mown amenity grass with very minimal ecological value, and contains a section with Japanese Knotweed.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

The application site lies adjacent to the settlement boundary for Cwmaman.

**Policy AW1** - sets out the criteria for new housing proposals

**Policy AW2** - promotes development in sustainable locations

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

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

**Policy AW10** - does not support development where unmitigated environmental, public health or amenity risks are present.

**Policy NSA12** - supports housing development within defined settlement boundaries

### **Supplementary Planning Guidance (SPG)**

- Design and Placemaking
- 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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

Chapter 4 (Active and Social Places)

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

### **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 application relates to outline consent for the construction of one dwelling within a parcel of land located adjacent to the settlement boundary for Cwmaman.

Policies NSA12 and AW1 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, where located within or adjacent to defined settlement boundaries in the Northern Strategy Area.

Whilst Policy AW1 is supportive of the general principle of development at this site, the criteria stipulated by Policy AW2 also require that development proposals should be positioned within a sustainable location.

In this case it is considered that the location of the site, surrounding land uses and absence of any environmental designations, including potential for flooding, would satisfy Policy AW2. Furthermore, in addition to a frequent local bus service, there are a small number of shops and services within walking distance further to the south.

Residential proposals would also be subject to other policy considerations, including access, appearance landscaping, layout and scale, and whether the development would be unacceptably detrimental to neighbouring occupiers. Submission of these details would be a requirement of a reserved matters application.

Therefore, noting the location of the site and the pattern of development within the area and surrounding uses, it is considered the principle of the residential development of the plot is acceptable.

### **Impact on the character and appearance of the area**

The submitted plan, illustrating the extent and size of the plot, demonstrates that it would be physically possible to construct a dwelling within the proposed parameters of scale, whilst there would be ample room for off-street parking and garden amenity space.

However, without specific design details and the supporting information that would usually accompany a full or later reserved matters application, it is not possible to assess the development in terms of its visual impact.

The concerns highlighted by an objector in respect of how a new dwelling would integrate with the urban form and traditional linear terraces are material considerations, albeit ones that would be more relevant to a reserved matters application.

As an outline application, it would not be reasonable to recommend refusal on these grounds, since it would imply that no dwelling of any design could be accommodated acceptably on the site.

In addition, although the majority of nearby properties are of Victorian origin, there are some variations in design. Many of these houses have also been subject to work or modernisation that has changed their appearance and reduced the sense of uniformity.

A further objection to the proposal, referenced in all of the representations from residents, is in respect of the loss of an attractive and well-used public open space. LDP Policy AW6 recognises that informal public open spaces play a significant role in improving physical and mental health and well-being. However, within a short walking distance of the site there are large areas of publicly owned open space to the south-east and north, and a network of footpaths and public rights of way linking them.

In light of the above and whilst the views of objectors are acknowledged, it is considered that the granting of outline consent would not cause detriment to the character and appearance of the site and surrounding area.

### **Impact on neighbouring occupiers**

As an outline application it is not possible to qualitatively assess any impact on other occupiers without the submission of full details, and any future consent would likely be subject to a range of standard conditions which might deal with matters pertaining to amenity.

Nonetheless, the matter of harm to privacy was raised by objectors, noting that a dwelling would enable overlooking of habitable rooms and gardens, in particular numbers 61 and 113 Fforchaman Road.

Whilst the concerns of objectors are appreciated, how a new dwelling would be positioned within the large plot area would be subject to a further application, and whether or not any windows would enable intrusive views remains towards either of the properties remains to be seen. In addition, the relationship between the properties on both sides of Fforchaman Road is one of close proximity where a degree of mutual overlooking already exists.

Consequently, there is no evidence to suggest that a dwelling could not be constructed such that it would neither cause significant detriment to the outlook or privacy of other residents, nor be likely to cause overshadowing. Therefore in terms of the impact on neighbouring occupiers, the principle of development is considered to be acceptable.

### **Highways and accessibility**

The application site is served from Fforchaman Road which has a carriageway width of 7.8m and 1.8m wide footways. The Highways and Transportation Section is therefore of the view that this is acceptable for safe vehicular and pedestrian movement.

There is concern with regards the location of the mini roundabout and existing traffic regulations, which are in place to protect the free flow of traffic and operation of the existing mini roundabout. This is of particular relevance given that Fforchaman Road is a no through road and a bus route.

Off-street car parking should be provided in accordance with the Council's SPG Access, Circulation & Parking 2011 and an advisory note has been added to address

this issue. Whilst a condition requiring a Construction Management Statement has been requested, it is not considered that this is necessary or appropriate in relation to a development of one dwelling.

## **Ecology**

The Council's Ecologist has noted that the majority of the site is mown amenity grass which has very minimal ecological value.

However, the presence at the rear of the site of scrub and a bank of Japanese Knotweed has implications for any future consent, and whilst the Ecologist has stated that a Habitat Survey would not be required, any approval of reserved matters may require a condition for a treatment scheme.

## **Other Issues**

Objectors have referred to the presence of underground services at the site and the presence of a culverted watercourse is known. Any modification would be subject to Ordinary Watercourse Consent, which is a regime separate from the planning process.

Similarly the implementation of any future reserved matters approval would have to address the concerns of statutory undertakers, although these considerations are not material planning concerns.

## **Conditions and the scope of outline consent**

Welsh Government Circular WGC 016/2014 - The Use of Planning Conditions for Development Management, advises that local planning authorities may wish to impose conditions relating to anything other than the reserved matters, when outline permission is granted.

The Circular explains that this may be appropriate if there are certain aspects of the development that are crucial to the decision, such as the retention of particular landscape features. Conversely, if and when reserved matters are approved, conditions which directly relate to those matters should be imposed at that stage.

Therefore with the exception of those conditions recommended below and in accordance with the Circular, it is proposed that the detail of other conditions proposed by consultees should be incorporated within advisory notes to provide guidance to the developer.

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

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications. However, the application site

lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable.

## **Conclusion**

Noting that all matters have been reserved, it is considered that the information submitted with the application demonstrates that the site would be able to accommodate a new dwelling and that its design, layout, appearance and scale, as well as its access, could be arranged such that it would satisfactorily address the material determining issues.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. (a) Approval of the details of the appearance, landscaping, layout and scale of the buildings, the means of access to the site and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. Direct vehicular access to the site from the mini-roundabout at the junction of Fforchaman Road and Brynmair Road is not permitted.

Reason: In the interest of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.



Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the proposed access, circulation and parking including surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: To ensure the adequacy of the proposed development, in the interests of highway and safety.

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