



PLANNING & DEVELOPMENT COMMITTEE

21 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0053/15
(GW)
APPLICANT: Derwood Homes and Developments Ltd
DEVELOPMENT: Variation of conditions 2 and 3 to extend the time to submit reserved matters and to commence development of outline planning permission for the erection of two detached houses (ref 13/0070/13).
LOCATION: VACANT LAND ADJACENT TO ARDWYN TERRACE, TONYPANDY.
DATE REGISTERED: 17/01/2019
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: Grant

REASONS:

Planning permission has been previously granted for dwellings on the site and no significant changes in policy or material considerations have occurred since the original permission was granted to warrant a refusal.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

A variation of condition is proposed to extend the time period to submit reserved matters and commence development for two dwellings on land adjacent to Ardwyn Terrace in Tonypandy. Outline planning permission (Reference 13/0070/13) was previously granted at appeal by the Planning Inspectorate on 16th January 2014.

Members should note that the existing permission expired on the 16th January 2019 and that local residents (as detailed in the 'Publicity' section below) have pointed to

this issue as a reason not determine the current application. Whilst their reasoning is appreciated, the application was however received by the Local Planning Authority on the 14th January 2019, i.e. before the permission expired. As clarified by the Council's Legal Section, this issue would not prevent the application from being determined.

In terms of the application details, all matters have been reserved for future consideration and therefore it is just the principle of residential development that is being determined. However, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 a number of illustrative plans accompany the current submission. These show the potential siting of the two dwellings and access to the site. They also indicate engineering works would be required to create level areas and that this would require retaining structures.

In addition, whilst details of the scale and appearance of the dwelling are both matters reserved for future consideration it has been indicated that each dwelling would have:

- Minimum - maximum width of 8 metres - 10.5 metres.
- Minimum - maximum depth of 8 metres - 11 metres.
- Minimum - maximum height of 7.5 metres - 8.5 metres.

The application is supported by:

- A design and access statement

SITE APPRAISAL

This site is a sloping area of rough ground approximately 0.2 hectares in size. To the east and north are the residential streets of Ardwyn Terrace and Gilfach Road, to the west is the A4119 and to the south are allotments. The site slopes steeply from west to east, with a stone retaining wall separating it from the carriageway on Ardwyn Terrace.

PLANNING HISTORY (Most recent)

| | | | |
|---------|---|---|--|
| 13/0070 | Land adjacent to Ardwyn Terrace, Tonypany | Two new detached houses (outline application) | Refused 27/06/13 Appeal Allowed 16/01/14 |
| 10/0948 | | Outline planning application for 3 detached dwellings | Refused 16/01/14 Appeal Dismissed 23/05/11 |

PUBLICITY

The application has been advertised via a site notice and direct neighbour notification. Five letters of objection have been received and their comments are summarised below:

- The time has run out to extend the development and there has been no development at the site.
- It is a high piece of land and our privacy would be affected.
- The entrance is narrow and would cause access issues.
- The buildings will look incongruous
- They will block out light to neighbouring properties
- It will affect the value of our property
- The street is peaceful and this will be disrupted.
- Trees have been taken down at the site.

CONSULTATIONS

Countryside - no comments received at the time of writing the report.

Dwr Cymru/Welsh Water - no objection subject to the conditions on the original permission.

Flood Risk Management - no objection

Public Health and Protection - no objection subject to conditions on the demolition of dwellings, hours of operation during construction, noise, dust waste and site contamination. The site is near to the A4119, however the need for an air quality assessment is not triggered.

Transportation Section - no objection subject to re-imposition of the previous conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - supports new housing inside the settlement boundaries and allocated sites.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported 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 AW8 - sets out 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 – sets housing density requirements for the Northern Strategy Area

Policy NSA12 – supports housing development within and adjacent to settlement boundaries.

Supplementary Planning Guidance:

Design and Placemaking

Access Circulation and Parking

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 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations Act into Town & Country Planning.

The following Planning Policy Wales chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Chapter 2 - People and Places: Achieving Well-being Through Placemaking;

Chapter 3 - Strategic and Spatial Choices (good design making better places, promoting healthier places, sustainable management of natural resources);

Chapter 4 - Active and Social Places (community facilities and recreational spaces);

Chapter 5 - Productive and Enterprising Places (reducing energy demand and use of energy efficiency); and

Chapter 6 - Distinctive and Natural Places (landscape, biodiversity and ecological network and lighting).

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

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.

Government advice in Welsh Government Circular 016/2014 (The Use of Conditions in Planning Permissions) indicates that applications seeking a renewal of consent should only be refused where:

- there has been some material change in planning circumstances since the original planning permission was granted;
- continued failure to begin the development would contribute unacceptably about the future pattern of development in the area; or
- the application is premature because the permission still has a reasonable time to run.

It is appreciated that objectors have raised matters with regard traffic, access, loss of sunlight, loss of privacy, loss of trees, deterioration in property values and with regard the visual impact. However, these matters and other material planning considerations were assessed in the appeal for the previous application that was approved. Members are advised that since the previous permission (13/0070/13) there have been no significant material changes in planning circumstances that are considered to affect that decision.

Notwithstanding the above, the Public Health Section has requested a site investigation to determine if contamination exists at the site and Members are advised a condition requiring this was not included on the original consent. It is considered however that this condition would be necessary to protect the occupiers of the dwellings. Furthermore, they request conditions with regard the importation of soils, hours of construction work, dust and waste. Whilst the comments they raised are appreciated, it is considered these matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

It is noted the appeal permission (13/0070/13) included conditions 16, 17 and 18 to ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings in Planning Policy Wales. As of the 31st July 2014, national planning policy requirements for sustainable building standards were withdrawn and Technical Advice Note 22: Planning for Sustainable Buildings (TAN22) cancelled. All requirements relating to energy efficiency have now been included within Part L of the Building Regulations. Therefore, these conditions are not proposed to be repeated.

Therefore, taking the above into account, it is recommended that the application is granted.

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 and therefore no CIL will be payable.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. Approval of the details of the appearance, layout and scale of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced and such development shall be carried out as approved.

Reason: To comply with Section 92 and 93 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 and 93 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 and 93 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 670-01B, 670-02C, 670-04F, 670-06I, 670-07B, 670-08C and 670/10.

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

5. Details, including samples, of the materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

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 .

6. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,

and details of any to be retained, together with measures for their protection in 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.

7. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the 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.

8. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of boundary treatment and a timetable for its implementation. The approved scheme shall be carried out in accordance with the approved timetable.

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.

9. No development shall take place until details of the arrangements for foul and surface water drainage have been submitted to and approved by the local planning authority. No dwelling shall be occupied until the approved works have been completed.

Reason: To ensure that the floor levels of any proposed buildings are above the flood level in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall begin until full details of the private shared access, including arrangements for the turning of emergency, service and delivery vehicles, have been submitted to and approved by the local planning authority. The access shall be at a gradient not steeper than 5% (1 in 20) for the first 10m and 12.5% (1 in 8) thereafter. No dwelling shall be occupied until the access has been completed in accordance with the approved details.

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

11. No development shall begin until construction details of all retaining walls

and details of their finished appearance, including design calculations certified by a professional engineer, have been submitted to and approved in writing by the local planning authority. The retaining walls shall be completed in accordance with the approved scheme prior to the first occupation of either of the dwellings.

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

12. Prior to the commencement of development, a scheme for the management of construction traffic and for the provision of wheel washing facilities shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

13. Prior to the first occupation of any of the dwellings, a 2m wide footway and vehicle crossover shall be provided along the site frontage in accordance with details which have been previously submitted to and approved in writing by the local planning authority.

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

14. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study 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 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 agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site.

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.

15. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 14) 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.

16. If during development works any contamination is 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 the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed 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.

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