



PLANNING & DEVELOPMENT COMMITTEE

15 AUGUST 2019

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1333/10 - RETROSPECTIVE PERMISSION FOR A DETACHED PIGEON LOFT (AMENDED ADDRESS RECEIVED 23/04/19), REAR OF 14 ARFRYN TERRACE, TYLORSTOWN, FERNDALE,

1. Purpose of the Report

Members are asked to determine the above planning application.

2. Recommendation

That Members consider this report and determine the application having regard to the advice given.

3. Background

This application was originally reported to the 27th June 2019 meeting of the Planning and Development Committee with a recommendation of approval. A copy of the original report is attached as **APPENDIX A**. At that meeting Members resolved that they were minded to refuse the application contrary to the recommendation. Members considered that the pigeon loft to the rear of 14 Arfryn Terrace, Ferndale has an overbearing impact upon adjacent properties, and also has a significant impact on the character and appearance of the site and the visual amenity of nearby properties. (Minute No. 30 refers)

As a consequence, it was resolved to defer determination of the application for a further report from the Director, Prosperity & Development to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. Planning Assessment

The considerations in respect of the impact the development works have upon the character and appearance of the site and the visual amenity of the neighbouring properties are set out in the original Committee report, however a brief summary is set out below.

It is acknowledged that the pigeon loft forms a prominent addition from the rear of neighbouring properties at Arfryn Terrace given its significantly elevated position. However due to the separation distance between the structure and the adjacent properties, the impact is generally considered acceptable. In addition the adjacent pigeon loft which has a similar relationship with nearby properties was previously granted planning permission in 2016 (16/0473/10). Therefore on balance, it is not considered the development works result in a degree of impact significant enough to warrant refusal of the application.

Members are advised, however, that the impact of any development upon the amenity of neighbouring residents is subjective, and the original considerations were an 'on balance' recommendation, clearly highlighting that the works undertaken at the application site undoubtedly result in a degree of detrimental impact to the residential amenity and visual outlook enjoyed by the occupiers of the neighbouring properties, and could be considered an overly prominent, dominant and incongruous feature in the landscape.

Members should also be aware that as the Pigeon loft is located on Council owned land, the Council would be unable to undertake enforcement action through the planning system to seek its removal. Instead the matter of removing the pigeon loft would need to be undertaken by the Council's Corporate Estates Department who are aware of the matter and would be notified once a decision has been made.

Therefore, whilst the application is recommended for approval, If, having considered the above advice and after further consideration, Members remain of a mind to refuse planning permission, it is suggested that the following reason would reflect those views:

REASON – As a result of its design, scale and elevated position in the landscape and given its relationship with neighbouring properties at Arfryn Terrace, the pigeon loft is considered to have a significant detrimental impact on the amenity and outlook of neighbouring residents, resulting in an overly prominent and unneighbourly form of development. Consequently the development is considered to be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.



PLANNING & DEVELOPMENT COMMITTEE

27 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1333/10
(JE)
APPLICANT: Mr Edwards
DEVELOPMENT: Retrospective permission for a detached pigeon loft.
(Amended Address received 23/04/19)
LOCATION: REAR OF 14 ARFRYN TERRACE, TYLORSTOWN,
FERNDALE, CF43 3DR
DATE REGISTERED: 23/04/2019
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from Councillor Robert Bevan for the matter to come to Committee for determination, in order that Members can consider the full impact of the proposal.

APPLICATION DETAILS

Full planning permission is sought for the retention of a detached pigeon loft located to the rear of 14 Arfryn Terrace, Tylorstown, Ferndale. The proposal is accessed via Park Street to the west and is set below the level of the highway.

The pigeon loft measures a maximum width of 6.6 metres by a maximum depth of 4.1 metres, and has a mono pitched roof design measuring a maximum height of 2.2 metres sloping to 1.9 metres at the eaves. Given the sloping nature of the site the

pigeon loft is elevated above ground level on stilts which extend to a maximum height of 2 metres on the front of the pigeon loft and 1 metre at the rear.

SITE APPRAISAL

The application site relates to a rectangular shaped plot of land which forms part of a wider area of vacant land between Arfryn Terrace and Park Street at the western edge of the village of Tylorstown. The pigeon loft has already been constructed at the site with access being from Park Street to the west. Adjacent to the site to the south is an existing detached pigeon loft which is of a similar design but a larger scale and was granted retrospective permission (16/0473/10).

Due to the steeply sloping topography of the surrounding landscape, the site is positioned at a much higher ground level than the rear gardens and rear elevations of properties in Arfryn Terrace to the north-east which are a distance of approximately 24 and 38 metres away respectively. As a result of this, the north-eastern elevation of the loft is elevated above the natural ground levels and is therefore visible from a number of cross-valley vantage points.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

Two letters of objection have been received from the occupiers of a neighbouring properties. The points raised have been summarised below:

- Health risks associated with Pigeon Loft
- Waste created by the Pigeon Loft
- Appearance of Pigeon Loft
- Loss of privacy
- Impact upon property value
- Increase in number of Pigeon lofts
- Land ownership
- Noise nuisance

CONSULTATION

Public Health & Protection - no objection

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Ferndale and isn't allocated for a specific purpose.

Policy AW2 – supports development within 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 permit proposals which would have an adverse impact upon the health or amenity of the public.

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 (Wales) Act 2015 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 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

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 the retention of a pigeon loft located towards the western edge of Tylorstown, Ferndale and is located within the settlement boundary. Whilst there are residential properties within the vicinity of the site, it is not uncommon throughout the County Borough for birds to be kept for recreational purposes within a residential context. The principle of development is therefore considered to be acceptable subject to the considerations below.

Impact on the character and appearance of the area

The land on which the pigeon loft has been constructed slopes steeply towards the nearest neighbouring properties in Arfryn Terrace to the north-east and it is acknowledged that it would be visible from the rear elevations of the properties immediately in front which was a concern raised by the objectors. However, given that there are areas of thick vegetation and trees adjacent the rear boundaries of these properties, only partial views would be immediately available and it is not considered that the proposal would have such a significant impact on the visual amenity of properties in Arfryn Terrace that it would warrant the refusal of the application.

It is also acknowledged that the pigeon loft is visible from wider cross-valley vantage points, particularly on the mountain road leading to Llanwonno, however, it is considered to be of a sympathetic scale and design of the structure which successfully blends into the surrounding landscape. It is therefore not considered that it forms an overly prominent addition to the wider area.

As such, the proposal is not considered to have a detrimental impact on the character and appearance of the surrounding area and it would therefore be in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

Concern was raised by the objectors in regards of the impact of the pigeon loft upon residential amenity and the loss of privacy. Whilst it is noted that the pigeon loft is set at a significantly elevated level in comparison to the neighbouring properties at Arfryn Terrace, since the closest neighbouring dwelling is separated by a minimum of 35 metres and giving the existing vegetation creates an element of screening, the pigeon loft is not considered to cause a detrimental impact upon the residential amenity and privacy of the closest neighbouring properties at Arfryn Terrace.

It is acknowledged that the keeping of pigeons often gives rise to concerns regarding noise, smells and vermin which was a concern raised by the objectors, the Council's Public Health and Protection Division has raised no objection to this proposal. This view has been taken as it is considered that odours and vermin activity can be adequately dealt with through maintaining the loft and taking care with bird food. It is therefore considered that issues of noise, smell and vermin can be controlled by other public health legislation and no conditions are therefore suggested.

Therefore in light of the above comments, the scheme is considered acceptable in respect of its impact upon residential amenity and privacy.

Other issues raised by the objector.

Impact on property value was raised within the objections received from neighbouring occupiers. However property value is a non material consideration and is not taken into account in determining the application.

Whilst objectors comments consider that this application could lead to a future increase in the number of pigeon; any future development would require planning permission and the Council would have the power to restrict future development if unacceptable.

Also raised as a concern by the objectors was the ownership of the land on which the pigeon loft is sited on. The application was initially submitted with certificate A signed indicating that the applicant was the owner of the site. However after being subsequently being made aware that the Council was the land owner the applicant was required to serve notice on the Council. As this has been completed any issues regarding the ownership of the land would be a civil matter and are not a material consideration in determining this application.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is considered the proposal does not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5, AW6 and AW10).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Elevations – Received 04/12/19
 - Floor Plans – Received 04/12/19

and documents received by the Local Planning Authority on 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.

