



**RHONDDA CYNON TAF**

**PLANNING & DEVELOPMENT COMMITTEE**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/1180/10 (LJH)  
**APPLICANT:** Mr D Harris  
**DEVELOPMENT:** New bungalow.  
**LOCATION:** OAKLANDS, PANTYBRAD, TONYREFAIL, PORTH,  
CF39 8HX  
**DATE REGISTERED:** 10/06/2020  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**REASONS:**

Whilst the application site is located in the open countryside and an unsustainable location, the proposed development would result in a continuation of residential use at the site. Additionally, whilst the proposed dwelling would obviously alter the current visual appearance of the site, given its general scale and design, it would be similar to that of the existing structure and would therefore remain largely unnoticed within the wider landscape. It is therefore considered that the proposed development would not materially alter the way in which the site currently operates and would have little impact upon the character and appearance of the site or the surrounding Special Landscape Area, actually improving the current visual appearance of the site.

It is therefore considered the demolition the existing dwelling and its replacement, along with the other associated works at the site, generally complies with the relevant local and national planning policies and is acceptable.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

**APPLICATION DETAILS**

Full planning permission is sought for the erection of a replacement dwelling at Oaklands in Pantybrad. This would require the demolition of the existing dwelling at the site.

The proposed single-storey hipped roof bungalow would be built in approximately the same position as the existing dwelling. It would however be orientated with its front elevation on the opposite side to the existing and facing to the north-east. Two gable projections would be constructed on either side of the front elevation. Between these, a pitched roof porch would be constructed. The dwelling would measure 28m in width, 12m in depth and to a maximum of 6.6m in height, sloping to 2.4 metres at the eaves. Its elevations would be finished in a mixture of smooth render and stonework, and the roof would be covered in slate.

The new dwelling would be served by the existing access with parking spaces for 4 cars located at the top of the drive adjacent to the north-east facing side elevation. With regards to landscaping and boundary treatments, a patio area would be provided around the dwelling with the rest of the grounds laid to lawn. A stonewall, 0.5m in height, is proposed on the boundary with the fields to the north-east and the existing hedgerow along the adjacent road (south-west) would be retained.

## **SITE APPRAISAL**

Oaklands is a hipped roof bungalow located in the open countryside to the south-east of Tonyrefail. Its elevations had been finished in render and its roof covered in slate. The property had three bedrooms. However at the time of the officer site visit the property had fallen into disrepair and the roof coverings and external render removed.

The site is accessed from the north-western corner which also forms two Public Rights of Way (ANT/115/1 and ANT/122/1). There are a number of hard standing areas around the dwelling and a large barn to the south-west. Beyond this are fields which are currently occupied by a number of grazing horses.

There is a mature hedge along the boundary of the site with the adjacent road which also contains a number of trees. It also has a pedestrian access gate in to the site. Two large oak trees, one outside the site but overhanging it, and one within the site are located near to the existing vehicle access and are protected by a Tree Preservation Order (TPO number 4 1950). To the north of the site there is a Public Right of Way (ANT/122) and a Site of Importance for Nature Conservation.

## **PLANNING HISTORY**

**06/1746/13:** LAND ADJACENT TO OAKLANDS, PANT-Y-BRAD, TONYREFAIL  
Erection of detached dwelling, garage and stable block (outline application)  
Decision: 23/10/2006, Refused.

**08/0191/13:** LAND ADJACENT TO OAKLANDS, PANT-Y-BRAD, TONYREFAIL.  
CF39 8HX  
Construction of five timber stables and tack room (outline)  
Decision: 21/04/2008, Refused.

**09/0830/10:** LAND ADJACENT TO OAKLANDS, PANT-Y-BRAD, TONYREFAIL, CF39 8HX

To erect 3 no. stables and tack room and alterations to access (amended plans and description 20/10/2009).

Decision: 16/12/2009, Granted.

**10/0480/10:** OAKLANDS, PANTYBRAD, TONYREFAIL, CF39 8HX

Demolish existing 3 bed bungalow and all out buildings and barn. Replace with 5 bed house with landscaping to suit.

Decision: 17/08/2010, Refused.

**14/0860/10:** OAKLANDS, PANTYBRAD, TONYREFAIL, PORTH, CF39 8HX

Renovation of existing dwelling to include single storey side extension, double storey extension to side with balconies to the first floor, new entrance canopy and fenestration alterations

Decision: 04/09/2014, Refused.

**17/0787/10:** OAKLANDS FARM, PANTYBRAD, TONYREFAIL, PORTH, CF39 8HX

The proposal is to construct 6 new loose boxes, a feed store, a tack room plus the creation of a ménage (small riding area) for equestrian purposes.

Decision: 10/04/2018, Granted.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification, site notices in the vicinity of the site, and a press notice. No representations have been received.

## **CONSULTATION**

Transportation Section – No objection, subject to conditions.

Countryside, Landscape and Ecology – No objection, subject to conditions.

Public Health and Protection – No objection, subject to conditions.

Flood Risk Management – No objection, subject to condition.

Dwr Cymru Welsh Water – No objection.

Natural Resources Wales – No objection.

Western Power – No objection.

## **POLICY CONTEXT**

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

The application site lies outside of the settlement boundary for Tonyrefail and within the Mynydd Y Glyn and Nant Muchudd Basin Special Landscape Area (SLA).

**Policy CS2** – sets out the criteria for development in the Southern Strategy Area.

**Policy AW1** – sets out the criteria for new housing proposals.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4** – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

**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 AW7** – identifies that proposals which impact upon sites of architectural or historic merit or affect areas of public open space, allotments, public rights of way, bridleways and cycle tracks will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

**Policy AW8** – states that Rhondda Cynon Taf's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW9** – provides criteria for the alteration, renovation or conversion of existing buildings outside the defined settlement boundaries.

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy SSA23** – Development within SLAs will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- Nature Conservation;
- 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 5<sup>th</sup> December 2018. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act 2015 into Town and 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 is being 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 stipulated in Chapter 2 People and Places: Achieving Well-Being Through Placemaking and is also consistent with the following inasmuch as they relate to the development:

- Chapter 3 (Good Design Making 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 Networks, Water and Flood Risk, Air Quality and Soundscape, Lighting)

Other relevant policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport.

## **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.

### **Principle of the Proposed Development**

Full planning permission is sought for the demolition of an existing bungalow and the construction of a new replacement bungalow in its place.

The application site lies outside of the defined settlement boundary for Tonyrefail where residential development is usually unacceptable in principle. There is no clear local or national planning policy that sets out the parameters for determining replacement dwellings in the countryside. Policy AW9 of the LDP considers opportunities for the alteration, renovation or conversion of buildings outside defined settlement boundaries, whilst national planning policy outlines the control of, and allowances for, new buildings in the countryside. However, whilst the demolition of a dwelling and the construction of another is essentially considered a new development

and it is acknowledged similar schemes have been refused at the site in the past, consideration and clarification of national policy for replacement dwellings in the countryside has been given by Inspectors in recent appeal decisions in Rhondda Cynon Taf (16/0501/10 Castell-y-Mwnws, Fir Tree Hollow, Pontyclun, CF72 9DD and 16/0172/10 Bolson, Llantrisant Road, Groesfaen, Pontyclun CF72 8NS) where replacement dwellings have been allowed. Accordingly the principle of demolishing one dwelling to be replaced with another outside of settlement limits would generally be considered acceptable, providing there is a continuation of residential use at the site and the replacement dwelling would incur no additional impact in respect of the relevant material planning considerations.

In this case, the current property and residential use at the site is long established. The property has remained occupied until very recently when it has fallen into a state of disrepair, to a point where it is now deemed to no longer be fit for habitation. The proposal therefore seeks to rebuild on the existing footprint, albeit on a slightly larger scale, with the intention of allowing the occupiers to live in a property that meets modern living standards and complies with the current Building Regulations. Therefore the proposed development would result in a continuation of residential use at the site and given the proposed design and scale of the new dwelling, it would result in a structure of a similar design and scale to that currently located at the site, having no further impact upon the surrounding landscape in comparison to that which already occurs.

Further, the proposed landscaping works would be relatively minor in nature, simply tidying up the area around the dwelling. It is therefore considered that this aspect of the scheme would not materially alter the way in which the site currently operates and would have little impact upon the character and appearance of the site or the surrounding landscape.

It is therefore considered the demolition of the existing dwelling and its replacement, along with the other associated works at the site, is acceptable in principle, subject to an assessment of the scheme against the considerations identified below.

## **Visual Impact**

The application site is located outside of settlement limits and within a SLA, with the surrounding area forming valley hillside and being rural in character. It is noted however that the site is set within a natural plateau in the hillside.

The original dwelling has been subject of numerous additions and alterations over time, with poor repairs being made and inappropriate and unsympathetic materials used. Consequently the existing dwelling is of limited aesthetic and architectural value and can generally be considered as having a detrimental impact on the surrounding SLA.

The replacement building would be sited in place of the existing structure albeit having a larger footprint which will ensure the existing character is preserved at the site. The new arrangement would amount to a 120m<sup>2</sup> increase to the original footprint, however it is considered that it would remain largely unnoticed within the wider landscape due

to it retaining its single storey height. It is therefore considered the general scale and design of the proposed dwelling is acceptable.

It is acknowledged that a number of more modern, contemporary finishing materials would be utilised, however, the principle elevation would be faced with natural stone with the remaining elevations being finished with smooth render. It is therefore considered that whilst the proposed dwelling will result in some difference to the character of the original property, the inclusion of the natural stone as well as the more rustic materials such as the natural slate roof will ensure the new dwelling is not out of character with its rural surroundings, and would actually form an attractive feature within the hillside. Further, the proposed landscaping works would be relatively minor in nature, simply tidying up the area around the main dwelling and outbuildings, improving its current visual appearance.

Consequently, whilst it is accepted the proposed works would obviously alter the current character and appearance of the site, it is not considered the development would have a detrimental impact upon the visual amenity of the site or the surrounding SLA, and would actually improve its current visual appearance. The proposed development is therefore acceptable in respect of its potential visual impact.

### **Residential Amenity**

The nearest residential properties are located approximately 100m to the north-west of the application site. Therefore, with no change of use at the site and the scheme simply proposing a replacement dwelling and some general landscaping/tidying works, it is not considered the proposed development would give rise to any adverse amenity issues to the nearest residents.

### **Highway Safety**

No objections have been received from the Council's Transportation Section following consultation.

The Transportation Section commented that Llantrisant Road is sub-standard in comparison to current standards, lacking adequate horizontal and vertical geometry, street lighting, highway drainage, and segregated pedestrian footways. As such, the development is considered to be in an unsustainable location and future residents would be heavily reliant on the use of private motor vehicles, which is contrary to the transport hierarchy of PPW10. However, on the basis that the existing bungalow is to be demolished and a new bungalow constructed in its place, and that the existing access off Llantrisant Road is to be utilised, the proposal is, on balance, considered acceptable in this respect.

Further, the proposed dwelling requires up-to a maximum of 3 no. off-street car parking spaces in accordance with the Council's SPG: Access, Circulation & Parking with in excess of 3 no. spaces provided. Additionally, there is sufficient space within the site to enable vehicles to enter and exit the site in a forward gear. Therefore, whilst there is some concern with regard to the access leading to the site, taking into account the application simply seeks consent to replace an existing dwelling at the site, on-balance, the scheme is acceptable and no highway objections are raised. It is however

suggested a condition be attached to any consent ensuring that the parking spaces indicated on the plan are constructed in permanent materials and are retained for the purpose of the parking of vehicles only.

In light of the above highways assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site.

### **Drainage and Impact upon SSSI**

NRW originally raised significant concern with regards to the proposed method of foul drainage as limited details were supplied to accompany the application. The application form identifies foul drainage for the proposed development is to be discharged to a private sewerage system, a package treatment plant (PTP). The submitted plans show the location of the PTP and soakaway to ground. However, the information did not demonstrate that disposal of foul effluent from the PTP would be effective at this location and that it would not pose an unacceptable risk to the nearby Rhos Tonyrefail SSSI. However on receipt of additional supporting information, being soakaway design calculations, NRW were re-consulted and have since confirmed that they have no objection to the proposed scheme as the submitted calculations demonstrate the ground can dispose of the treated water from the proposed PTP with an overcapacity. Therefore, it is considered the PTP would be unlikely to pose a significant threat to the nearby Rhos Tonyrefail SSSI.

### **Ecology**

The application proposes demolition works in the countryside and in an area that has high ecological value, being located in close proximity of the Rhos Tonyrefail SSSI. Therefore the applicant has submitted an ecology survey with the application. The report details that there is negligible suitability for bat roosts and no nesting birds at the site. As such no further survey work is required to be undertaken. It was however detailed that there is an opportunity to provide enhancement measures within the new development and a number of recommendations are provided.

Having assessed the report the Council's Ecologist commented that it is a comprehensive and acceptable study of the site and that the conclusions and recommendations are reasonable and appropriate. Therefore no objections are raised but a number of conditions are suggested in line with the recommendations of the report to ensure the proposed development works have a minimal impact upon any ecology at the site.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division following consultation. They did however suggest a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.



## **Other Issues**

It is noted that no objections have been received from the Council's Flood Risk Management Section, Dwr Cymru Welsh Water or Western Power Distribution subject to standard conditions and advice. Flood Risk Management have suggested a condition with regards to the submission of drainage details prior to commencement of any development on site however this requirement is now covered by the separate SuDS regulations and therefore the condition is considered unnecessary. Instead an informative note advising the developer of the necessary SuDS requirements is suggested.

## **Community Infrastructure Levy 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 liable for a charge under the CIL Regulations 2010 as amended. The application site lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £18,726.03.

## **Conclusion**

Whilst the application site is located in the open countryside and an unsustainable location, the proposed development would result in a continuation of residential use at the site. Additionally, whilst the proposed dwelling would obviously alter the current visual appearance of the site, it would remaining largely unnoticed within the wider landscape. Further, the proposed landscaping works would be relatively minor in nature. It is therefore considered that the proposed development would not materially alter the way in which the site currently operates and would have little impact upon the character and appearance of the site or the surrounding SLA, actually improving the current visual appearance of the site.

It also noted that there would be no undue impact upon the amenities of the nearest neighbours, and that the proposed works are acceptable in respect of their potential impact upon highway safety and ecology, subject to the conditions detailed below.

In light of the above, the application is considered to generally comply with the relevant local and national planning policies and is considered acceptable.

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

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

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref. DH01 Rev A, and documents received by the Local Planning Authority on 05/11/2019, 17/02/2020, and 10/06/2020 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. The parking spaces indicated on submitted drawing no. "DH01 Rev A" shall be provided on site in permanent materials prior to beneficial occupation of the dwelling hereby approved and shall be retained for the purpose of the parking of vehicles only thereafter.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

4. No development shall commence on site until full details of house sparrow box enhancement measures as set out in paragraphs 4.8 to 4.13 of the Crossman Associates Bat Survey Report have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation of the dwelling hereby approved and any protection measures shall be retained throughout the development period and thereafter.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Demolition of the existing dwelling at the site shall at all times employ the soft demolition method as set out in paragraph 4.6 of the Crossman Associates Bat Survey Report.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Any external lighting proposed at the site shall at all times comply with the lighting mitigation recommendations as set out in paragraph 4.7 of the Crossman Associates Bat Survey Report.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.