



Clarification was requested by Members as to whether the slope behind the site formed part of the former Wattstown Colliery. This was queried with the Council's Tip Risk Manager and the following response has now been received:

*"I can confirm the Land to the rear of the development site is a disused tip Classified under the Mines and Quarries Tips Act which is categorised as Grade C by RCT prioritisation system, which means the tip is currently inspected on a 6 monthly basis.*

*The most recent inspection was undertaken on the 26/08/20 and the previous inspection on the 27/02/20. During both inspections the Tip structure was considered low risk with minor balding of the surface in some areas due to some vegetation loss but on both occasions no evidence of structural movement within the Tip complex were found.*

*Notably the inspections are continuing at the original frequency and no significant issues were identified during the two programmed inspections undertaken this year.*

*Unfortunately my colloquialism of the local names of the tips is limited to just the tip references however, the tip complex to the rear of this development site is not associated to the tip with the visible scar evident next to the tip which I believe is referred to as the 'former Wattstown Colliery'.*

*In terms of the ordinary watercourse we have not inspected this channel as their have been no reports of flooding associated to the network and it is not situated within the boundary of the Tip complex situated above these properties. If there is a concern or knowledge of history from the Committee we would ask for any such information to be passed on for our review."*

Whilst the application is recommended for refusal, as detailed in the original report, if, having considered the above advice, Members remain of a mind to grant planning permission, it is suggested that the following conditions and informative notes, including a condition with regard the stability of the slope to the rear of the site, should be attached to any consent:

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan no's
  - Site Location Plan (Received 13th August 2020)
  - Proposed Block Plan (Received 17th August 2020)
  - Proposed Site Plan and Front Elevation (Received 13th August 2020)
  - Proposed Floor Plan (Received 13th August 2020)

- Proposed Rear and Side Elevations (Received 13th August 2020)
- Proposed Front Elevation (Received 13th August 2020)

and documents received by the Local Planning Authority on 13<sup>th</sup> August and 17<sup>th</sup> August 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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development (and the slope to the rear of the site) and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report thereafter.

Reason: The site and hillside to the rear of the site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

6. The development shall not be brought into use until space has been laid out within the site for 2 vehicles to be parked in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to development commencing. The spaces shall be retained for the parking of vehicles thereafter.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted plans development shall not commence until details of the vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to beneficial occupation of the dwelling hereby approved.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**15 OCTOBER 2020**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0843/10 (GW)  
**APPLICANT:** Mr M Harkin  
**DEVELOPMENT:** Proposed dwelling.  
**LOCATION:** LAND BETWEEN WATTSTOWN RUGBY CLUB AND  
25 DANYGRAIG TERRACE, YNYSHIR, PORTH  
**DATE REGISTERED:** 24/08/2020  
**ELECTORAL DIVISION:** Ynyshir

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**RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

**REASONS:** The development would not provide the required density of housing development and would not contribute efficiently and effectively to meeting the housing land requirement for the provision of new dwellings in the Borough. As such the proposal is contrary to Policies NSA10 and AW1. The proposed dwelling would be a poor design and would form an incongruous addition in the street scene when viewed in context with the traditional character and density of existing residential properties in Danygraig Terrace to the north-west and the historic built character of the area. Therefore, the proposal would have a detrimental impact on the character and appearance of the surrounding area and as such would not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Edwards for the matter to come to Committee in order for the need for affordable housing in the area and the impact of the development upon the character and appearance of the area to be considered.

**APPLICATION DETAILS**

Full planning permission is sought for the erection of a dwelling. The dwelling would be located centrally on the plot and would be placed on a raised area accessed via a ramp to the front of the site. It would be a single storey dwelling finished in brick and the roof would be covered in concrete tiles. Parking is detailed on a drive to the side of the dwelling adjacent to 25 Danygraig Terrace. It is stated no retaining structures are required to the hillside at the rear of the site, which is under different ownership, as works have already been carried out to stabilise the hillside.

The application is supported by the following:

- Supporting Statement

## **SITE APPRAISAL**

The application site relates to a vacant plot of land which is situated between no. 25 Danygraig Terrace and Wattstown Rugby Football Club. The site has a rectangular shape and follows a relatively level gradient that matches the adopted highway fronting the site, albeit material has been imported (or moved from the rear of the site) to create a low, raised area that is shown in the proposed plans as being the area the dwelling would be located.

The land begins to rise steeply toward the open mountainside that abuts the rear of the site.

A brick-built clubhouse, associated with Wattstown RFC, is located immediately to the south-east of the site while a small row of traditional two-storey terraced properties are located immediately to the north-west. Beyond the pedestrian and vehicular highway to the front of the site (known as Ynyshir Road) is the Porth Relief Road which is largely screened from the development site by a high timber fence. It is noted that there is a water course/culvert to the rear of the site.

## **PLANNING HISTORY**

18/0583/15	Land adjacent to 25 Ynyshir Road, Wattstown	Variation of condition 1 of planning permission 13/0478/13 to extend the expiration date for 5 years including 3 years for reserved matters.	Granted 21/08/2018
16/5053/41	“	“ Siting of mobile home including access, parking and garden area (Pre-application advice)	Objection raised 25/03/2016
13/0478/13	“	“ Construction of 3 no. 2 bed terraced dwellings with associated parking (outline)	Granted 20/08/2013

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. One letter of objection has been received and the comments are summarised below:

- If a boundary wall is built it will block my window. That would obstruct a significant amount of natural light to my property. I have been the landowner of the adjacent property for over 30 years and any wall built would have a detrimental effect to my right of light and enjoyment of the property.

Following receipt of the above, the objector submitted further correspondence which highlighted they had contacted the landowner and they requested no boundary treatment next to the windows. It is stated they were assured (by the landowner) that would be the case.

## **CONSULTATION**

**Dwr Cymru/Welsh Water** – No objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. It is detailed a public sewer crosses the site. Advisory notes with regard sustainable drainage and water supply are provided.

**RCT Countryside Landscape, Ecology** – If the application boundary marginally bites into the edge of the adjacent Site of Importance for Nature Conservation (SINC) there is no objection in this instance as the SINC forms the whole hillside above the road and trying to demarcate the exact boundary on the lower urban edge is always difficult. If planning permission is granted, protective 'Heras type' fencing would be required during construction, along the upper development edge to demarcate the development area from what will be the newly defined SINC boundary. This will also ensure nothing will encroach up the hillside during construction.

If the willow/bramble within the red line area has been cleared, then there is no nesting bird issue. However if Japanese Knotweed has not been treated on site, control measures should be implemented.

**RCT Flood Risk Management** – Based on a review of the surface water flood risk associated to this location it is evident that the site is currently shown to be free from the high, medium or low surface water flood risk zones, however the applicant should be made aware that the Danygraig Terrace area is subject to a low surface water accumulation zone and as such the applicant should ensure that the topographical level of the property's floor level takes into account the low surface water flood risk area within the highway.

No surface water drainage arrangements have been provided. The applicant should be reminded that they are required to comply with Schedule 3 of the Flood and Water Management Act 2010. This will need to be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body (SAB) prior to the commencement of works.

It is recommend that evidences of how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 is conditioned to ensure drainage is acceptable.

**RCT Public Health and Protection** – No objection subject to conditions on demolition of dwellings, hours of operation, noise, dust and waste.

**RCT Transportation Section** – No objection subject to the provision of space for 2no. cars to be parked off-street, provision of a vehicular crossover, surface water not to drain to the public highway and details of traffic management and wheel washing.

## **POLICY CONTEXT**

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

The site is mainly within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. However part of the rear of the site is outside but adjoins the settlement boundary. The area to the rear of the site and outside the settlement boundary is also identified as a Site of Importance for Nature Conservation (SINC) as referred to in Policy AW 8.43 (Mynydd Troed-y-Rhiw Slopes). The hillside behind the site is identified as a Special Landscape Area (Mynydd Troed y Rhiw Slopes). The site is also within the designated Rhondda Historic Landscape by Cadw.

**Policy CS1**- sets out criteria for achieving strong sustainable communities including: promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW1** - residential development proposals will be expected to contribute to meeting local housing needs.

**Policy AW2** - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

**Policy AW5** - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

**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 including flooding.

**Policy NSA10** – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

**Policy NSA12** – details criteria for housing development within and adjacent to settlement boundaries.

### **Supplementary Planning Guidance:**

Access, Circulation and Parking  
Design and Placemaking  
Nature Conservation

## **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 Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is not consistent with the key principles and requirements for placemaking set out in PPW; and is also not consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

### **Other relevant policy guidance consulted:**

PPW Technical Advice Note 5: Nature Conservation and Planning  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport; and  
PPW Technical Advice Note 23: Economic Development.

## **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 development**

The application site is unallocated and situated mainly within the defined settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP). Any encroachment outside of the settlement boundary would not be beyond the rear boundary of the existing development either side and therefore would not warrant a refusal reason. It is noted that there is an existing row of terraced properties situated immediately to the north-west of the site and that the site has previously benefited from outline planning permission for the residential development of 3 no. dwellings (ref: 13/0478/13). Members are advised this was renewed in 2018 (ref: 18/0583/15)

and could still be developed. As such, the development would accord with many of the criterion set out in Policies AW1, AW2 and NSA12.

However, this proposal is for a density of development that is significantly below that required by Policy NSA10 and Policy AW1 of the LDP. This is to ensure an efficient use of land within the settlement boundary to meet the housing land requirement for new dwellings. Furthermore, and on a wider scale, failure to provide the required level of housing within the settlement boundary could lead to increased future pressure for housing on 'Greenfield' land.

Policy NSA10 requires 30 dwellings are developed per hectare. However, the proposal would provide the equivalent of under 17 dwellings per hectare. Members are advised that previously outline planning permission (13/0478/13 and 18/0583/15) was granted for 3 dwellings on the site which exceeds the 30 dwellings per hectare policy requirement (approximately providing the equivalent of 51 dwellings per hectare). It is considered there is still potential to provide 3 dwellings on the site; or to provide 2 dwellings, which would also comply with the policy.

The applicant details the site cannot support 3 dwellings as the previous owner was unable to do this. In addition, it is stated that 3 dwellings would provide less than ideal living conditions and that there would be insufficient amenity space for 3 no. dwellings. Whilst these opinions are noted, no clear evidence has been supplied that shows this is the case and that 3 or 2 dwellings cannot be provided. To the contrary, the site plan for planning permission reference 18/0583/15 shows 3 dwellings could be developed with adequate amenity space and parking.

If permission was granted for a single dwelling and whilst the loss of 1 or 2 additional dwellings that could have been provided is low; it should be recognised that the accumulation of similar shortfalls in density throughout the County Borough would have a significant impact on housing land supply. Therefore, the density of the proposal is considered unacceptable and is contrary to Policies NSA10 and AW1.

### **Impact on the Character of the Area**

The Rhondda Cynon Taf Local Development Plan supports proposals where the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area (AW5); where they are of a high standard of design which reinforces attractive qualities and local distinctiveness (AW6); where they are appropriate to the local context in terms of siting, scale, appearance, height, massing, elevational treatment, materials and detailing (AW6); and where they include the efficient use of land (AW6).

The site is located within an area which is predominantly characterised by high density, traditional terraced properties that front directly onto the adopted highway at Ynyshir Road. A pre-application enquiry submitted by the applicant for a mobile home on the site (16/5053/41) received the following comments, "*there is significant concern that the proposal to locate a mobile home at the site would have a detrimental impact on the visual amenity of the surrounding area. The proposed mobile home, by virtue of its structure and overall visual appearance, would*

*effectively form a temporary addition which would fall below the standard that would usually be considered acceptable for a permanent residential unit in the area”.*

The proposed dwelling looks similar to a ‘mobile dwelling’, however it is noted the application details the elevations would be finished in brick and the roof covered in tiles. On its own, this is considered would result in a more permanent visual impact than considered above.

The applicant has detailed in their ‘Supporting Statement’ that the proposal would tidy up a piece of land that has been a nuisance to locals, would be a slight departure from the existing scale and design of the area, that there is a multiplicity of designs in the area similar to the scale and design of the adjacent building to the south-east (Wattstown RFC), and points to Park View on the opposite side of the bypass with its sharp contrast of staggered building lines and occasional mono-pitched roofs.

Differences in design, size and scale are appreciated and welcomed to the area. However the surrounding traditional character of housing is mainly ‘fine-grained’ with development at a high density, that was of a quality design and that utilised high quality materials. A similar level of design quality is sought by the LDP policies as highlighted above. Whilst the design of the proposal could be improved by having a larger pitch of the roof, having an improved window and door layout that reflects more traditional dwellings and having some landscaping to screen the proposal; it would still have an unacceptable impact on the street scene and the character of the area. The proposal would result in a single dwelling, of a poor design, that does not relate to the high density and local built character. It would be located centrally between the two adjacent development sites with no ‘visual tie’ in to the existing residential development and character of the area. In contrast, the approved development on the site (18/0583/15) or a similar proposal with multiple dwellings could result in an acceptable development in these terms. It is therefore considered the proposed dwelling would form an incongruous addition in the street scene when viewed in context with the traditional character and density of existing residential properties in Danygraig Terrace to the north-west and the historic character of the wider area.

As such, it is considered that the current proposal would have a detrimental impact on the character and appearance of the surrounding area and would therefore not comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan in this respect.

### **Impact on residential amenity**

It is noted that the site is flanked by residential properties to the north-west and the clubhouse at Wattstown RFC to the south-east. The siting of the proposed dwelling would not result in a significant detriment to the residential amenity and privacy of the nearest residential properties. An objection has been received from a nearby dwelling detailing that if a boundary wall was built it would block out there light. It is noted there is a window on the side elevation of the nearest dwelling to the site. Boundary treatments would normally be permitted development, for a wall or a fence up to 2m in height, and this could be erected along the applicant’s boundary without any permissions. Notwithstanding this, if permission is granted, details of boundary treatment can be obtained by a suitably worded condition.

## **Access and parking**

The plans show a drive for parking that would lead directly to Ynyshir Road. No objection has been raised by the Transportation Section. Their suggested condition, requiring traffic management and wheel washing during construction, is not considered necessary as the development is small in scale and these issues can be covered by other legislation. The condition requiring surface water not to discharge on to the public highway can also be covered under other legislation. Notwithstanding this, details could be obtained under a general drainage condition if permission is granted.

## **Ecology**

Council records detail the rear of the site includes part of a Site of Importance for Nature Conservation (SINC). The Council's Ecologist however details the line shown on the Council records, in reality, should be the steep bank behind the site. The site itself, in its present condition, contains little in the way of biodiversity and the proposal would not result in a detriment to biodiversity in the area as whole. However as section 6 of Planning Policy Wales requires development must provide a net benefit to biodiversity, a condition requiring measures to meet this is suggested if permission were to be granted.

## **Other Issues:**

### **Public Health**

With regard to the issues raised by the Public Health and Protection Section, it is considered noise, dust and waste matters from construction activities can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

### **Drainage**

Dŵr Cymru/Welsh Water detail a public sewer crosses the site and that no development should be within 3m. The proposed dwelling would be within 3m of the pipe shown on the submitted plan. They however do not object and it is envisaged the pipe could be moved to accommodate development on the site. A suitably worded informative note should be attached if permission were to be granted.

### **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, however the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable. Therefore no CIL would be payable.

## **Conclusion**

The application is considered not to comply with the relevant policies of the Local Development Plan as a sufficient number of dwellings would not be provided on the site and it would result in a detrimental visual impact on character of the area (Policies AW1, AW5, AW6 and NSA10).

## **RECOMMENDATION: Refuse**

1. The development would not provide the required density of housing development and would not contribute efficiently and effectively to meeting the housing land requirement for the provision of new dwellings in the Borough. As such the proposal is contrary to Policies NSA10 and AW1 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed dwelling is of a poor design and would form an incongruous addition in the street scene when viewed in context with the traditional character of existing residential properties in Danygraig Terrace to the north-west and the wider area. As such the proposal would have a detrimental impact on the character and appearance of the surrounding area and would be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.