



PLANNING & DEVELOPMENT COMMITTEE

11 MARCH 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1176/10 (KL)
APPLICANT: Mrs Collier
DEVELOPMENT: Conversion of original tollgate house to garage, demolition of all outbuildings and erection of new replacement detached house.
LOCATION: MAESGLAS FARM, RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9UD
DATE REGISTERED: 06/11/2020
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve, subject to conditions

REASONS: The application site is located outside of the defined settlement boundary and adjacent to a Strategic Site that is specifically allocated for employment use. Whilst there is concern that the proposal to construct a new residential dwelling in this location would prejudice the delivery of the Strategic Site, the application site is currently occupied by a building that is understood to have been in residential use for most of its existence (although it currently appears to have been vacant for some time). Furthermore, the proposal would not result in any additional dwellings at the site with the existing building being converted to a domestic garage. The principle of the proposal is therefore, on balance, considered to be acceptable.

The siting of the proposed dwelling and its scale, design and overall visual appearance are considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area and in terms of the impact it would have upon the amenity and privacy of existing neighbouring properties.

The access to the site and the intended off-street parking provision are also considered to be acceptable and no objection has been received from the Council's Highways and Transportation section in this regard.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a single detached dwelling on land associated with an existing residential property known as Maesglas Farm, which is situated at Rhigos Road, Hirwaun. The existing dwelling at the site would be converted to a detached garage which would be associated with the proposed new dwelling. The proposal also includes the demolition of a number of dilapidated outbuildings at the site.

The proposed dwelling would be sited fairly centrally within the plot and just to the south of the existing dwelling that would be converted to a detached garage. Access would be provided via an existing access off Rhigos Road with a new driveway created to the front of the proposed dwelling and garage. The plans indicate that, in addition to the garage, a total of three off-street car parking spaces would be provided within the site.

The proposed dwelling would be orientated to face a north-westerly direction with a 'T' shaped footprint that would measure a maximum of 14.2 metres in width at ground floor and 10.9 metres at first floor by a maximum of 10.6 metres in depth at its widest points. It would incorporate a pitched roof design that would measure 7.1 metres in height to the ridge and 5.2 metres to the eaves. The front and rear projections would be set below this at 6.4 metres (eaves 5.2 metres) whilst the single storey projection to the side would incorporate a mono-pitch roof that would measure a maximum of 4.3 metres in height. A balcony would be positioned on the south-east facing rear and south-west facing side elevations. External materials would consist of render with raised rendered detailing around feature windows within the front, rear and side elevations. The roof would be covered with riven face/edge mock slate tiles with all windows and doors being grey aluminium.

The proposed conversion of the existing dwelling would be undertaken through the creation of a new garage door opening within the north-west facing side elevation. The original scale and form of the dwelling would be retained, including the existing window openings in the existing front elevation (fronting Rhigos Road), however, a number of later additions to the rear would be demolished.

In addition to the standard application forms and plans, the application is accompanied by the following supporting documents:

- Design and Access Statement;
- Arboricultural Report;
- Bat Survey

SITE APPRAISAL

The application site relates to a broadly rectangular shaped parcel of land which is situated to the southern side of Rhigos Road which is the main road between the villages of Hirwaun and Rhigos. It measures approximately 2089m² and is relatively flat in ground profile. An existing dwelling, historically known as 'The Old Tollgate', is located adjacent to the northern boundary with a frontage directly onto Rhigos Road with a number of outbuildings being located to the rear and side. The dwelling has been vacant for a number of years, which is evident through the current run-down appearance of the site.

The northern boundary adjacent to Rhigos Road is defined by a row of trees which screen the majority of the site from view. Further trees are positioned in various positions throughout the site.

The site is located outside of the defined settlement boundary however, the surrounding area is predominantly commercial in character with Hirwaun Industrial Estate being located to the north and north-west and further commercial properties being located to the south. It is noted that there are a small number of residential properties located directly opposite the site which are of varying scales and designs.

PLANNING HISTORY

No planning applications relevant to this site on record within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notifications and through the erection of two site notices in the vicinity of the site. A press notice has also been placed in the local newspaper.

No letters of representation have been received from any local residents as a result of this exercise.

CONSULTATION

The following statutory consultation responses have been received:

Flood Risk Management: No objection or condition recommended. However, an advisory note is recommended to highlight the need to submit a separate application for sustainable drainage approval prior to works taking place.

Highways and Transportation: No objection subject to conditions relating to means of access, parking and turning facilities being laid out prior to the development being

brought into use, the provision of vision splays, the reinstatement of a full flexible footway and the submission of a Construction Method Statement.

Natural Resources Wales: No objection, subject to measures identified in Section 10 of the submitted Bat Survey being set out in a method statement and secured through the inclusion of the above document within the condition identifying approved plans and documents on the decision notice.

TPO Officer: No objection, the trees are of low to poor quality and condition and are not protected via a TPO. Furthermore, there do not appear to be any trees that would warrant issuing a TPO.

Public Health and Protection: No objection subject to standard conditions relating to demolition, hours of operations, noise, dust and waste.

Welsh Water: No objection subject to conditions and advisory notes.

Western Power Distribution: Advises that a separate application will need to be made to WPD if a new connection or service alteration is required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located outside of the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

Policy CS1 – emphasis is on building strong, sustainable communities which will be achieved by promoting residential development in locations which will support and reinforce the roles of Principal Towns and Key Settlements and by ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land.

Policy AW1 – outlines how the housing land requirement will be met, including the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

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 – states that development proposals will be supported where there would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks, the quality of natural resources such as air, water and soil, and the natural drainage of surface water.

Policy AW10 – development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy NSA8 – allocates land south of Hirwaun for the construction of 400 dwellings, employment, a new primary school, a retail store, medical/community centre and informal recreation contained in a landscape setting.

Policy NSA12 – permits development within and adjoining the defined settlement boundaries.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

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.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also 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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 19: Telecommunications;
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.

Main Issues:

Principle of the proposed development

In the assessment of any planning application for residential development, the first consideration must be the location of the site in planning policy terms. Policies AW1, AW2 and NSA12 of the Rhondda Cynon Taf Local Development Plan primarily seeks to promote development in sustainable locations within the defined settlement boundary and development would not usually be permitted in locations outside of these areas.

The proposal relates to the construction of a single new dwelling on a parcel of land which is located outside of but adjacent to the defined settlement boundary of Hirwaun. Policy NSA12 would support development in such locations, providing that the site is bounded on at least one side by the defined settlement boundary and the scale, form and design of the proposed development does not adversely affect the amenity or character of the site, surrounding or wider area and providing that the site is not within a green wedge or a site designated for international, national or local importance. The proposal would comply with Policy NSA12 on this basis, however, a further requirement of the policy is that development proposals within and/or adjoining the defined settlement boundaries around the Strategic Sites will only be permitted where they would not prejudice the development of the Strategic Sites. The site is located immediately adjacent to a Strategic Site (NSA8 – Land South of Hirwaun) which is allocated for the construction of 400 dwellings, 36 Hectares of employment land a new primary school, a retail store of 2000m² net floor space, medical/community centre and informal recreation contained in a landscape setting. The Council's Spatial Planning team have indicated that the settlement boundary in this location was specifically drawn for the delivery of the adjacent Strategic Site (NSA8) and the delivery of its proposals and, given that the area immediately adjacent to the application site is allocated specifically for employment purposes (B1, B2 & B8), there is concern that the construction of a new dwelling in this location would conflict with

the allocated employment use and subsequently prejudice the Strategic Site being delivered. The proposal would therefore be contrary to this element of Policy NSA12. Whilst the Strategic Site also includes provision for 400 dwellings, the housing element of the allocation is located adjacent to the existing residential area of Hirwaun, which is located approximately 1km away. The proposed new dwelling would therefore not form a relationship with this element of the allocation or the existing pattern of residential development.

The site is located in close proximity to a number of existing employment uses with a factory located a short distance away to the south and Hirwaun Industrial Estate and an area set out in the LDP for waste management developments located a short distance away to the north-west (although it is recognised that there are a number of different commercial/industrial uses currently in operation there). As such, the proposed dwelling would be situated between two employment areas and, given that the character of the area is predominantly commercial/industrial in character, there is concern that the provision of a residential dwelling in this location would be inappropriate. However, in saying this, there are two existing residential properties located immediately opposite the application site with further residential properties being located immediately to the western boundary of Hirwaun Industrial Estate. It is therefore not considered that these concerns are significant enough to warrant the refusal of the application.

The site is located outside of the defined settlement boundary and it is therefore not considered to be a sustainable location. However, notwithstanding this, it is noted that the site is served by a bus service which connects with Aberdare and subsequently Cardiff and Merthyr. The site is also already occupied by a building that has been in residential use in the past and it is therefore considered that the proposal would constitute a replacement dwelling in the countryside.

Whilst the dwelling has clearly been vacant for an extended period of time, it could potentially be refurbished and extended to provide a dwelling of a modest size, although this is considered to be unlikely. Indeed, it is noted that the Planning Statement submitted with the application indicates that this would not be a satisfactory or practical solution for the applicant, given that the dwelling is intended for an extended family.

The proposed new dwelling would inevitably provide a greater floor area than what could be achieved through the reuse and extension of the existing building. However, it would provide a more modern and sustainable structure whilst also retaining the existing structure as a domestic garage in association with the main dwelling. Whilst the adopted Local Development Plan does not incorporate a policy that specifically relates to replacement dwellings, national planning policy is supportive of the principle of replacement dwellings and it is therefore not considered that the principle of a replacement dwelling in this location would run counter to the general thrust of the policies set out in the Local Development Plan.

Furthermore, there would not be an increase in the number of dwellings on site and the development would provide an opportunity to improve the overall visual appearance of the site by removing the number of dilapidated outbuildings and refurbishing the existing building to enable its reuse. It is considered unlikely that the site would be developed for any other purpose and, on balance, the principle of the proposal is considered to be acceptable.

Impact on the character and appearance of the area

The existing building at the site is considered to be of some local historical importance and is understood to have been constructed prior to 1877. Known locally as 'The Old Tollgate', the building is located immediately adjacent to the northern boundary at Rhigos Road and is of a small scale. Whilst it is understood to have been in residential use for many years, the building is currently vacant and appears to have been so for an extended period of time. The current scale and condition of the building is not considered to be suitable for use as a residential dwelling by modern standards and the applicant has indicated that the extension of the building is not a satisfactory or practical option, given that the proposed dwelling is intended to provide accommodation for an extended family in which the older generation (who have health implications) will be looked after and cared for by the younger generation(s).

The proposal would result in the construction of a detached dwelling within the centre of the plot with the existing building being retained, refurbished and reused as a domestic garage. The new dwelling, whilst significantly larger in scale than the existing building, is considered to be acceptable in terms of its siting within the site and in terms of its scale, design and overall visual appearance. The site is capable of accommodating a larger dwelling whilst also retaining ample space for outdoor amenity areas and off-street car parking. It is of a modern design which would not detract from the character of the surrounding area, particularly given that the mature trees to the front boundary would largely screen the dwelling from Rhigos Road. The majority of the existing trees on site would also be retained.

Furthermore, it is considered that the refurbishment of the existing building and the removal of the existing dilapidated outbuildings/shed would provide an opportunity to improve the overall visual appearance of the site and the surrounding area.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The proposed dwelling would be set centrally within the plot with a distance of approximately 45 metres from the nearest residential dwelling (Willow Farm) to the north-east. It is not considered that the proposal would result in any adverse impact

upon this property due to the distances between the properties and the fact that the application site is well screened from the road by a number of trees that would be retained.

There are a number of commercial properties in the vicinity however, these are set further back from the road and would not be significantly impacted by the proposal.

As such, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of surrounding properties and the application therefore complies with Policy AW5 (criterion 1.c) of the Rhondda Cynon Taf Local Development Plan in this regard.

Access and highway safety

The application has been assessed by the Council's Highways and Transportation Section with a view to determining the potential impact of the proposal upon highway safety in the vicinity of the site. The response received raises no objections to the proposal (subject to conditions) with the comments received being summarised as follows:

The proposed site is served off two existing access points onto the A4061. At present, the eastern access point appears to be used as the primary access to the site however, the proposal would utilise the existing access to the west. The vision splay at this access is well below the recommended standard (2.4m x 215m) set out within TAN18 with the achievable visibility from the proposed access being 2.4m x 49m (right) and 2.4m x 70m (left). However, taking into account that vehicular speeds would be 60mph due to the close proximity of the roundabout with traffic speeds decreasing on approach to the roundabout and slow speeds of vehicles exiting the roundabout, the vision splay is considered to be acceptable.

Furthermore, the proposed access is considered to be safer than the eastern access that is currently being used as all vehicles can exit the site in forward gear with no increase in vehicular traffic to that of the existing dwelling. As such, the proposal is acceptable in this regard however, as the eastern access will no longer be in use, a condition is recommended to ensure that the footway is reinstated to full footway construction.

The proposal also provides adequate off-street car parking provision, in accordance with the Council's SPG: Access, Circulation and Parking. The access driveway also has a gate set back for provision of vehicles to park prior to opening/closing the gate which prevents blocking of the A4061, therefore maintaining the flow of traffic.

It is considered that the proposed location would result in the private motor vehicle being the main mode of transport. However, taking into account that the proposal is for a replacement dwelling, the provision of cycle network on the opposite side and

that a bus route is located in easy walking distance, the proposal is considered to be acceptable.

In light of the comments received from the Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

The proposed construction works would be greater than 100m² and a separate application would be required for sustainable drainage approval prior to works taking place, alongside with the requirement to comply with Part H of the building regulations which sets out the design requirements associated with the use of infiltration drainage.

As such, no objection is raised by the Council's Flood Risk Management team and the proposal is considered to be acceptable in this regard.

Ecology

The application is accompanied by an Ecological Survey Report (dated October 2020) that identifies that bats are present at the application site. The report has been assessed by both the Council's Ecologist and Natural Resources Wales, neither of which object to the proposal providing that a condition is added to any grant of planning consent to identify the report in the list of approved plans and documents and to ensure that the measures identified in Section 10 of the Ecological Survey Report are set out in a method statement.

Natural Resources Wales further advise that the proposed development is unlikely to give rise to the need for a bat licence application.

Impact upon trees

The proposal would involve the felling of a number of unprotected trees at the site and an Arboricultural Report has therefore been submitted to support the application. The report indicates that the trees to be removed are low to poor quality and condition and the Council's TPO officer raises no objection to their removal. The report recommends that the existing trees that are to be retained should be fenced off prior to and throughout the construction phase.

In light of the recommendations set out in the Arboricultural Report and the comments received from the Council's TPO officer, the proposal is considered to be acceptable in terms of the impact it would have upon trees within and adjacent to the site. The application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health

The Council's Public Health and Protection division have not raised any objections to the proposal however, a number of conditions relating to hours of operation, noise, dust and waste are recommended. Whilst these comments are acknowledged, these issues are better dealt with through other legislation and it is not considered necessary to duplicate these issues through the imposition of planning conditions.

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 liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application site is located outside of the defined settlement boundary where development would not usually be permitted. It is also located immediately adjacent to a Strategic Site for employment purposes. Whilst there is some concern that the construction of a residential dwelling in this location would prejudice the deliverability of the Strategic Site and that the surrounding area is already predominantly commercial/industrial in character, there is an existing building on the site which has been in residential use for most of its existence (although noting that it appears to have been vacant for quite some time) and on the basis that the proposal would constitute a replacement dwelling, would increase the number of dwellings on the site and would vastly improve the overall visual appearance of the existing building and wider site, the principle of the proposal is, on balance, considered to be acceptable. The proposal would not have any adverse impact upon the character and appearance of the site or surrounding area, nor would it adversely affect the amenity and privacy currently enjoyed by existing surrounding development. The Council's Highways and Transportation section have also not objected to the proposal in terms of the impact of the proposal upon highway safety in the vicinity of the site.

RECOMMENDATION: Grant

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 and documents received by the Local Planning Authority unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. 2001. SLP: Site Plan (Rec. 22nd October 2020);
- Drawing no. 2001.PL01: Proposed Site Plan (Rec. 22nd October 2020);
- Drawing no. 2001. PL02A: Proposed Floor Plans (Rec. 6th November 2020);
- Drawing no. 2001. PL03: Proposed Elevations (Rec. 21st December 2020);
- Drawing no. 2001.PL07: Proposed Garage Conversion Plan (Rec. 22nd October 2020);

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

3. Building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area, in the interests of visual amenity and in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan 2001.PL01 and approved by the Local Planning Authority. The parking and turning facilities shall remain thereafter.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x site frontage vision splays.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The existing vehicular crossover to be abandoned shall be reinstated in full flexible footway construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

7. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
 - a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel cleansing facilities,
 - g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to commencement of development, all details of bat mitigation and enhancement measures, as identified in Section 10 of the Just Mammals October 2020 Bat Survey, shall be submitted to and agreed in writing by the Local Planning Authority. This should be in the form of a method statement and the development shall be carried out in accordance with the details agreed.

Reason: To afford protection to animal species in accordance with Policy AW8 of Rhondda Cynon Taf Local Development Plan.

9. The development shall be carried out in accordance with the recommendations set out in the Arboricultural Impact Assessment (undertaken by Tender Leaf, dated 26/10/2020).

Reasons: In order to protect existing trees on site, in the interests of the visual amenity of the site and in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.