



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 MARCH 2020**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0006/10 (RP)  
**APPLICANT:** Mr I Randell  
**DEVELOPMENT:** Construction of a detached split level three bedroom dwelling.  
**LOCATION:** LAND AT GLANFFRWD TERRACE, YNYSYBWL, PONTYPRIDD, CF37 3LW  
**DATE REGISTERED:** 03/01/2020  
**ELECTORAL DIVISION:** Ynysybwl

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**RECOMMENDATION:** Refuse

#### **REASONS:**

- 1) The proposed dwelling and associated engineering works by virtue of their siting, scale and design on this steeply sloping site, would result in a detrimental visual impact on the character and appearance of the area. As such, the development would be contrary to Policies AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan.
- 2) The proposed dwelling and associated engineering works by virtue of their siting and scale on this steeply sloping site, would be detrimental to the amenity and privacy of occupiers of residential properties in Clydach Road. As such, the development would be contrary to Policies AW5 and NSA12 of the Rhondda Cynon Taf Local Development Plan.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- A request has been received from Councillor Sue Pickering for the matter to come to Committee to give all parties the opportunity to put forward their case, for or against the development.

#### **APPLICATION DETAILS**

Full planning consent is sought for the construction of one detached dwelling on land at Glanffrwd Terrace, Ynysybwl.

The parcel of land upon which the dwelling would be situated would measure approximately 670m<sup>2</sup>. The application is accompanied by floor plans, elevation plans and a block plan which detail the dwelling being located towards the east of the plot, with new access and parking being provided to the northern boundary adjacent to Glanffrwd Terrace.

The plans indicate a split level dwelling is proposed, being single storey facing towards Glanffrwd Terrace and two storeys as viewed from the rear lane that serves those properties at Clydach Road. This would require the sloping land to be cut into and retaining structures utilised. At the rear, the retaining walls would take the form of four separate terraces, ranging from 2 metres to 1 metre in height. To the east of the plot, the retaining wall would return toward the rear boundary, reducing in height in increments of 0.9 metres, capped with 0.6m high fence panels.

With regard to its dimensions, the dwelling would measure 13.4 metres in width and 10 meters in depth. Of hipped roof design, the dwelling would rise to 4.8m in height as viewed at street level from Glanffrwd Terrace, and would be 7.6m in height at the rear.

At ground floor level, the dwelling would encompass an open plan family room, dining and kitchen area, and a large en-suite bedroom also incorporating a dressing room. The lower level of the dwelling would provide an additional lounge for its occupants, two en-suite bedrooms, a separate bathroom and utility room. To its eastern and western side elevations two sets of patio doors would lead to an outside terrace at the rear of the dwelling, with stepped access to the three other terraces below.

With regard to external finishes, these would consist of Bradstone masonry block walling to the front elevation of the dwelling, painted render to the rear and both side elevations, grey coloured UPVC windows and doors and slate tiles to its roof.

## **SITE APPRAISAL**

The application site forms part of an open and overgrown area of land located within the residential area of Ynysybwl. The site is level with Glanffrwd Terrace to the south, and slopes steeply to the north where a lane that serves properties at Clydach Road is located, which is also classed as a Public Right of Way (YCC/32/1).

Neighbouring dwellings consist of detached and semi-detached units situated at a lower level than the application site at Clydach Road to the north, and semi-detached and link dwellings situated above road level to the south at Glanffrwd Terrace. To the east, on the same parcel of land, are two recently constructed dwellings.

## **PLANNING HISTORY**

The following planning history relates to adjacent plots and is considered of relevance.

19/1286	Land opposite 1 Glanffrwd Terrace, Ynysybwl	Outline application for a residential dwelling with access and scale considered	Refused 29/01/2020
14/0343	Land at Glanffrwd Terrace, Ynysybwl	Outline application for the construction of 2 detached, 4 bedroom houses	Refused 10/06/2014 Dismissed at Appeal 04/12/2014

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. The erection of three site notices within the vicinity of the site was also undertaken on the 15/01/2020.

Six letters have been received from neighbouring residents, three objecting to the application, and three in support. Their comments, for and against the proposed development, are summarised below:

### **Object**

- The property access would be situated on a blind bend (designated as a bus route) which has been the subject of a few car collisions over previous years.
- Wildlife habitat that would be destroyed by the development would be significant. Buzzards and green woodpeckers frequent the trees here.
- The property would overlook the rear gardens of neighbouring properties on Clydach Road.
- The application may lead to further development along this piece of land.
- The development would overlook properties located at Clydach Road.
- The development would result in loss of light and overshadowing towards properties at Clydach Road, and would lead to unacceptable levels of noise and disturbance, smells and mess.
- Previous outline planning applications on this land were turned down 5/6 years ago, and were subsequently dismissed at appeal.
- Rain water constantly runs down the rear lane/right of way. I am concerned that locating a dwelling on this land will lead to drainage issues in the area, as the ground is struggling to manage natural volumes at present.

### **Support**

- The land in question is waste land, of which is used as a dumping site.
- The land is an eye sore and not environmentally friendly, building a house on the land will improve the area.

## **CONSULTATION**

- Highways and Transportation – No objection subject to conditions.
- Public Health and Protection – No objection subject to conditions.
- Countryside – No objection subject to condition.

- Dwr Cymru Welsh Water – No objection subject to condition.
- Flood Risk Management – No objection subject to condition.

## **POLICY CONTEXT**

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

The application site lies outside but adjacent to the settlement boundary for Ynysybwl.

**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 CS4** – identifies new housing requirements for Rhondda Cynon Taf.

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

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW 8** – seeks to protect distinctive natural heritage by preserving and enhancing it from inappropriate development. Development proposals would only be permitted where they would not cause harm to a Site of Importance for Nature Conservation (SINC) or upon the features of importance to landscape, nature conservation, ecological networks, and the quality of natural resources such as air, water and soil.

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

**Policy NSA 12** – details criteria for 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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act 2015 into Town & Country Planning.

For the reasons set out below, it is not considered that this proposal meets the seven goals set out within the Well-Being of Future Generations (Wales) Act or the aims of PPW 10. The following chapters of PPW 10 are relevant to this application: Chapter 2 People and Places: Achieving Well-being Through Placemaking, 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 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:**

The application proposes the construction of a single residential dwelling with associated vehicular access and parking areas on a parcel of land that is located outside the defined settlement limits. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition to this, it will also be necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the surrounding area. The implications of the development upon highway safety in the vicinity of the site are a further consideration.

### **Principle of the proposed development**

The application site is located outside the defined settlement boundary as identified on the Rhondda Cynon Taf Local Development Plan and is unallocated. However, Policy NSA 12 of the Local Development Plan is supportive of some residential development subject to a number of criteria. As the site adjoins the settlement boundary on at least one side the principle of development could therefore be viewed as acceptable, subject to other material planning considerations which are assessed below:

### **Impact on the character and appearance of the area**

The site forms part of a linear area of open land (located outside the settlement boundary) which extends into a built up area. Roads and dwellings are situated either side of the site, with the surrounding dwellings being mainly detached or semi-detached and, in design terms, do not have a particularly strong sense of uniformity.

The plans detail the dwelling being single storey as seen from Glanffrwd Terrace. As a result the dwellings impact on this elevation would not be significant.

The main visual impact of the development would be from the rear and both side elevations as viewed from Glanffrwd Terrace and the Public Right of Way. As the site is steeply sloping, significant engineering works would be required to construct the dwelling itself, and to create the retaining walls and parking area being proposed, and it is likely that most of the existing vegetation would be lost as a result.

The rear elevation of the proposed dwelling would be two-storeys in height, and the height to the ridge would be 7.6 metres from ground level and 12.9 metres from the Public Right of Way due to the steeply sloping topography of the site. In addition to the Public Right of Way, the development would be highly visible from the rear elevations of dwellings situated on Clydach Road.

There are no other similar large scale structures in close proximity and in general the surrounding dwellings are built on more level plateau either side of the site. Whilst it is acknowledged there are recently built dwellings on the same parcel of land to the east of the proposal, they occupy wider sites and have more restrictive views due to their location and screening by vegetation and mature trees which are the subject of a Tree Preservation Order (TPO 97). They are also distinguishable from this proposal as they follow the settlement pattern of Tai Newydd to the east, and are bordered by Ynysybwll Cemetery to the south.

It is therefore considered as a result of its siting, design and scale the proposed dwelling would result in an incongruous structure which would be at odds with the character of the area. It is also considered that the siting of a dwelling, and any subsequent dwellings on this parcel of land, would adversely impact the relative open environment of this part of Ynysybwll. As a result, it is considered the proposed scheme would have an unacceptable visual impact on the character and appearance of the area, contrary to policies AW5, AW6 and NSA 12 of the Local Development Plan.

## **Impact on residential amenity and privacy**

Firstly, with regard to those dwellings situated at Glanffrwd Terrace to the south of the site, it is considered that as these dwellings are set back and occupy an elevated position above the highway any adverse impact the dwelling may present in terms of amenity and privacy would be limited as a result. Similarly, it is considered that there is sufficient separation distance between the proposed development and dwellings located at Clydach Road so as it would not result in a significant overshadowing or overbearing impact upon these dwellings.

Based on the plans submitted with the proposal, there would be a separation distance of around 30m between the proposed dwelling and existing dwellings at Clydach Road, and this is considered acceptable to ensure that there would not be a significant loss of privacy to the dwellings themselves. However, the proposed dwelling would overlook the rear garden areas of properties at Clydach Road, and due to the topography of the area it would be difficult to screen those views to acceptable levels.

Whilst it is acknowledged this is an urban area and some degree of overlooking is inevitable, it is considered that in this case, the degree of overlooking, and perception of being overlooked and looked down upon, of existing private garden areas that would be caused by the topography of the area and nature of the proposed development would be unacceptable.

It is noted that a previous planning application located on the same parcel of land (to the west of this site) was refused and subsequently dismissed at appeal (APP/L6940/A/14/2223492) due to issues relating to the impact of development on the character of the area, and its effect on the living conditions of the occupiers of adjoining residential properties with particular reference to privacy and outlook. Furthermore, and more recently, a separate planning application for one residential dwelling on a plot of land immediately to the east of the site has been refused planning permission for the same reasons set out above.

It is therefore considered that the development would result in a detrimental impact on the amenity of surrounding dwellings located at Clydach Road, contrary to policies AW5 and NSA12 of the Local Development Plan.

## **Access and highway safety**

Following consultation with the Council's Transportation Section, no objections have been raised subject to a number of conditions. It was commented that there are continuous pedestrian links on the opposite side to the proposed development with no footways on the development side. Therefore, a condition has been suggested to set the site boundary back 2.0m from the edge of carriageway in accordance with Active Travel Wales 2013 to provide for safe and satisfactory pedestrian access.

It was also commented that an existing bus stop is located a short walk from the proposal, which would promote sustainable modes of travel with less reliance on

private motor vehicles. However, the existing stop does not promote use by less able bodied pedestrians with low height kerbs. In accordance with Planning Policy Wales 10<sup>th</sup> Edition and Active Travel Wales a condition has been suggested to provide for raised border kerbing as part of the footway works proposed to promote sustainable transport.

The proposed 3 bedroom dwelling require 3 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011 with 4 spaces provided.

There is slight concern that the proposal would result in reversing movements to and from the highway. However, taking into account there are a number of dwellings on Glanffrwd Terrace that already reverse to and from the highway, and taking into account the limited traffic using Glanffrwd Terrace, the proposal is considered acceptable.

### **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.

### **Public Health and Protection**

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note would be sufficient in this instance.

### **Dwr Cymru Welsh Water**

DCWW have raised no objection to the proposal subject to a condition relating to no surface water and/or land drainage being allowed to connect directly or indirectly with the public sewerage network.

### **Other Issues raised by Neighbouring Residents:**

With regard to the issues raised by objectors, in addition to the points addressed above, whilst the objectors concerns regarding wildlife are appreciated, the site is not within an area designated for its ecological value. Whilst a number of trees and shrubs would be removed to cater for the proposal, no objection to the development has been raised by the Council's Ecologist subject to a condition for a Wildlife Protection Plan including such measures such as site clearance being conducted outside of the bird nesting season, being submitted prior to commencement of the development.



In respect of the concerns shown in relation to drainage issues in the area, if the Council were minded to grant approval for the development, a separate Sustainable Drainage Systems (SUDS) application, addressing surface water drainage at the site would need to be applied for. The Council's Flood Risk Management department, whilst not raising objection to the proposal, request that a condition be attached to any consent outlining how the development is to comply with the requirements of section 8.3 of Technical Advice Note 15 prior to commencement of the development.

The comments raised by the neighbouring residents in relation to the land being used as a dumping site carry no material planning weight, and cannot be taken into account when determining the 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 liable for charge under the CIL Regulations 2010 as amended. The application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

### **Conclusion**

It is considered the proposal would have a significant impact on the character and appearance of the locality and upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to be contrary to the policies AW5, AW6 and NSA 12 of the Rhondda Cynon Taf Local Development Plan.

### **RECOMMENDATION: Refuse**

1. The proposed dwelling and associated engineering works by virtue of their siting, scale and design on this steeply sloping site, would result in a detrimental visual impact on the character and appearance of the area. As such, the development would be contrary to Policies AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed dwelling and associated engineering works by virtue of their siting and scale on this steeply sloping site, would be detrimental to the amenity and privacy of occupiers of residential properties in Clydach Road. As such, the development would be contrary to Policies AW5 and NSA12 of the Rhondda Cynon Taf Local Development Plan.