

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
3 OCTOBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 9
APPLICATION NO: 12/1144 - RESIDENTIAL DEVELOPMENT (OUTLINE), THE RIVERSIDE, ELWYN STREET, COEDEL	

1. PURPOSE OF THE REPORT

Members are asked to consider the report below and determine the application in accordance with the advice and recommendation.

2. RECOMMENDATION

To **REFUSE** the application in accordance with the advice given

3. BACKGROUND

This application was originally considered at a meeting of the Development Control Committee on 21 March 2013 with a recommendation that it be refused (see **APPENDIX A**). At that meeting Members resolved to defer determination of the application to enable discussions to take place with the applicant regarding the mix of properties and the possibility of increasing the number of bungalows proposed.

Since that date the applicant has engaged in discussion with Hendre Housing Association, which in turn has sought advice from the Council's Housing Strategy Team, about the specific affordable housing need that has been identified in this part of the County Borough. As a consequence of those discussions the applicant has amended the indicative proposals by the substitution of the 7 affordable bungalows previously proposed with 14 mixed type affordable housing units that correspond with identified local affordable housing need. The remainder of the development, which comprises 25 dwellings, is unchanged from the originally submitted proposal.

The amended application has been the subject of further publicity and consultation and as a consequence a revised and up-dated report is presented below for Members' consideration.

APPLICATION DETAILS

Planning permission is sought for the residential development of land at the Riverside, Elwyn Street, Coedely. The application is in outline with all matters of detail reserved for future consideration. The proposal is for the development of 39 dwellings which the application states will comprise 14 affordable units, together with 25 low-price starter homes for sale on the open market.

An indicative layout plan and Design and Access Statement accompany the application. The proposed development would be located in a new cul de sac to be constructed to adoptable standard off Elwyn Street. The proposed affordable units would be located together at the western end of the site and the maximum and minimum dimensions will be as follows:

Type "D" Bungalows in semi detached pairs will be 11.0 m – 12.0 m wide, 13.5 m – 14.5 m long and 6.5 m – 7.5 m high

Type "E" One person apartments in blocks of four will be 8.5 m - 9.5 m wide, 15.5 m – 16.5 m long and 7.5 – 8.0 m high

Type "E" One person apartments in blocks of two will be 8.5 m - 9.5 m wide, 7.5 m – 8.5 m long and 7.5 m – 8.0 m high

Type "F" One bedroom houses in semi-detached pairs will be 8.5 m - 9.5 m wide, 7.5 m – 8.5 m long and 7.5 m – 8.0 m high

The other 25 houses would occupy the remainder of the site and would measure and comprise a mix of 2 bedroom link and 3 bedroom semi-detached houses, all of two storeys and each measuring from 4.25m to 5.5m in width, 8.5m to 9.5m in depth and 8.0m to 9.5m in height to ridge. Each of the dwellings would be laid out with off-street parking and private/communal gardens. An informal public amenity space is indicated to be laid out near the entrance to the site.

SITE APPRAISAL

The application site has an area of 0.91 hectare and comprises gently sloping and tiered made-up land located immediately between the River Ely and Elwyn Street. The land slopes steeply along the boundary with River. The eastern part of the site is in use as caravan storage facility, which also extends onto adjoining land towards the roundabout off the A4119. The smaller western part is vacant. The eastern and western parts of the site are effectively divided by an existing gated access road (though not in uses) off Elwyn Street. To the north-east of the application site lies the residential area of Coedely, while to the east of the application site lies countryside that extends south of Coedely.

PLANNING HISTORY

12/0294	Forest View, Elwyn Street, Coedely, Tonyrefail, Porth CF39 8BL	Variation of Conditions 2 & 3 of planning permission 11/0142 (Change of use of land to provide additional secure caravan storage (phase 2)) - Amended highway access.	Approved 30/10/12
11/0142	Forest View, Elwyn Street, Coedely, Tonyrefail, Porth, CF39 8BL	Proposed change of use of land to provide additional secure caravan storage (phase 2) including changes to highway access, boundary fencing and landscaping to the existing and additional site areas.	Approved 17/05/11
10/0913	Forest View, Elwyn Street, Coedely, Tonyrefail, Porth.	Change of Use of land to caravan storage , erection of gatehouse building and boundary fence and alterations to access.	Approved 29/11/10
10/0910	Forest View, Elwyn Street, Coedely, Tonyrefail, Porth.	Retention of offices.	Approved 30/11/10
10/0214	Woodland Business Centre, Elwyn Street, Tonyrefail, Porth CF39 8BL	Reinstatement of highway access.	Approved 15/06/10
09/1044	Woodland Business Centre, Elwyn Street, Tonyrefail, Porth CF39 8BL	Reinstatement of highway access.	Refused 19/11/09
08/1274	Woodlands Business Centre, Elwyn Street, Coedely, CF39 8BS	Retention of offices with associated car parking and flood lighting (Resubmission)	Withdrawn 27/07/09
07/0349	Woodlands Business Centre, Elwyn Street, Tonyrefail, Porth, CF39 8AU	Retention of offices and base with associated car parking and flood lighting and construction of new office building.	Refused 01/07/08
06/0354	Woodlands Business Centre,	2 signs attached to building and 1 free-standing pylon sign as	Approved 15/05/06

	Elwyn Street, Coedely, Porth CF39 8BS	enclosed.	
05/1880	Land Adjacent To Woodlands Business Centre, Elwyn Street,Coedely, Tonyrefail	Proposed vehicle workshop and offices together with associated vehicle display and parking areas	Refused 19/12/06 Appeal: ALC 27/06/07
05/1443	Vans Direct (Fiat) Woodland Business Centre, Elwyn Street, Porth, CF39 8BL.	Internal sign	Approved 10/10/05
04/2142	APH Motors & Land Adjacent To Woodlands Business Centre, Ely Valley Road, Coedely, Tonyrefail	Vehicle showroom workshop and offices.	Refused 30/06/05
04/1131	Field adjacent to Find it-Fund it Vehicle Consultants Ltd, Ely Valley Road, Coed Ely.	Construction of vehicle display and parking area.	Withdrawn 03/02/05
04/1641	Woodlands Business Centre, Elwyn St, Coedely, Tonyrefail, Porth.	Proposed additional office accommodation.	Approved 08/04/04
04/0296	Woodlands Business Centre, Elwyn St, Coedely, Tonyrefail, Porth.	Proposed additional office accommodation.	Approved 08/04/04
03/1641	Ely Valley Garage, Ely Valley Rd, Coedely, Tonyrefail, Porth.	Proposed environmental improvements.	Approved 01/03/04

03/1092	Coedely Garage, Ely Valley Rd, Coedely, Tonyrefail.	Proposed Mezzanine Floor internally & additional windows to existing buildings, to facilitate Change of Use of building into offices/showroom.	Approved 30/12/03
93/0470	Ely Valley garage, Coedely, Tonyrefail.	New garage/showroom to replace existing garage/showroom.	Approved 02/08/93
86/0908	Land adjacent to Ely Valley garage	Open air market Wednesday 9-4	Approved 22/09/86
83/0359	Opposite 20 Elwyn Street, Tonyrefail	Garage	Approved 19/04/83
80/0215	Forest View, Elwyn Street, Tonyrefail	Extension	Approved 23/04/80
80/0016	Ely Valley Garages, Coedely.	Conversion of part of the garage to a snack bar.	Approved 11/03/80
76/1458	Wasteland Opposite Elwyn Street, Tonyrefail	Garage	Approved 15/03/77
76/0366	Land adjacent to Ely Valley garage	Portable accommodation unit	Withdrawn 08/10/79

PUBLICITY

Neighbouring properties notified by letter, site notices displayed and a press notice published.

A petition of objection received from 75 residents of Elwyn Street, Garth Street and Collwynn Street, Coedely on the following grounds:

- Increase traffic and disturbance within Coedely
- Proposed development will shadow and obscure visibility on sharp, blind bend on Elwyn Street creating a traffic hazard
- Concerns over the long term over the maintenance and viability of the proposed pumping station associated with the development

CONSULTATIONS

Transportation Section - no objection subject to conditions and the applicant entering into a Section 106 Agreement to:

- (1) make a transport tariff contribution of £69,936 towards improving the strategic highway network;

- (2) secure the proper implementation of the proposed highway works, including an appropriate bond if applicable; and,
- (3) make a contribution of £5,000 towards the TRO for traffic management in reducing the speed limit from 40 mph to 30 mph on the highway fronting the site.

Land Reclamation and Engineering - recommends drainage conditions in the event of planning permission being granted and advises that the River Ely is designated a Main River therefore any drainage discharge to it will require a Flood Defence Consent.

Public Health and Protection - recommends appropriate conditions in relation to remediation of potential contamination from previous use of the site for disposal of colliery waste. Also offers advice and conditions in relation to mitigation of construction activity noise, dust, disposal of waste, and artificial lighting.

Education Service - Primary school places in this area are at a premium. So if development proceeds a Section 106 Agreement for additional places required, which based on the number of eligible dwelling units equals £122,570.

Natural Resources Wales (legacy Environment Agency Wales and Countryside Council for Wales) - comments as follows:

(i) *Biodiversity*: insufficient information has been submitted to assess to the impact of the proposal on local wildlife. Recommends an ecological appraisal of the site is undertaken to establish the ecological baseline so that the impact on ecology of the site can be assessed.

(ii) *Pollution prevention*: a condition requiring prior approval of a Construction Method Statement to prevent pollution of the water environment is recommended.

(iii) *Flood risk/Greenfield sites*: the majority of the site is not located within a flood risk area, except for a small part which the indicative site layout would have no built development. Surface water run-off should be dealt with by way of a Sustainable Drainage System (SuDS). unless it can be justified SuDS is not feasible. Surface water drainage will be measured against the existing Greenfield/undeveloped site. The EAW will be seeking reductions in the peak rates of run-off from the existing site characteristics.

(iv) *Flood Defence Consent*: will be required from the EAW for any works within 7 metres of the River Ely which is a statutory main river.

Parks and Countryside Section - a Tree Preservation Order (TPO 69, 2005) is on part of the site, though it seems some of it has already been lost. A Tree Survey is recommended to be commissioned and submitted to help identify the TPO edge and how the proposed development affects that edge. The River Ely and its wooded banks are also part of the Site of Interest for Nature Conservation (SINC 92). The River in this area has had a considerable

amount of Otter *Lutra lutra* activity. We need to understand how the proposed development relates to the river, how the river can be successfully protected and whether any mitigation is available. If the river is being affected some ecological survey assessment will be needed. If any mature trees are affected a bat survey will be needed. Japanese Knotweed is major problem in the vicinity.

Welsh Water / Dwr Cymru - no objection subject to drainage conditions. Also, offers advice in relation to the proximity of the development to a public sewer and trunk / distribution water main that cross the site.

Housing Strategy - the revised affordable housing mix [14 units] responds to the housing need identified in the Local Housing Market Assessment 2012. There is a particular shortage of 1 bedroom units and a smaller shortage of 4 bedroom units with the Tonyrefail area and this scheme would help address that shortfall. However, this development falls outside the settlement boundary and therefore Policy AW3 applies. The low cost housing [25 units] proposed cannot be considered affordable housing due to the lack of household nomination and perpetuity arrangements attached to the units. Appendix B of TAN 2 specifically states that low cost housing is not considered Affordable Housing by the Welsh Government for the purposes of the land use planning system.

POLICY CONTEXT

Rhondda Cynon Taff Local Development Plan

The application land is situated outside any settlement boundaries and within Sandstone resources safeguarding area.

Policy CS2 emphasises sustainable development that benefits the whole plan area, and focuses development within settlement boundaries.

AW1 defines the housing land supply, to be met by specified ways that do not include settlements without defined boundaries.

AW2 proposes development of non-allocated sites in sustainable locations, which are those within settlement boundaries.

AW3 provides for 100% affordable housing schemes on the outside edge of settlement boundaries.

AW4 provides for planning obligations to be sought where necessary to make proposals acceptable.

AW5 and AW6 give general criteria for new development.

AW8 protects the natural environment from inappropriate development, and requires demonstration of measures for protection, management and mitigation of potential impacts where appropriate.

AW10 states that proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity because of a range of factors, including land contamination.

AW14 requires the protection of sandstone resources.

SSA11 sets a minimum density of 35 dwellings per hectare (dph) and gives criteria for lower densities.

SSA12 seeks 20% affordable housing provision.

SSA13 promotes development within settlement boundaries.

SPG

Design & Placemaking

Delivering Design & Placemaking - Access, Circulation & Parking.

National Planning Policy

Planning Policy Wales 5 (November 2012)

Para. 3.1.5. The local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan.

Para. 4.9.1. Previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites. The Welsh Government recognises that not all previously developed land is suitable for development, for example, because of its location.

Para. 9.1.1. Preference for redevelopment of previously developed land for housing.

Para. 9.1.2. Sustainable residential environments: good access to public transport, walking and cycling; good access to employment, retail and other services.

Para. 9.2.3. There should be a 5-year housing land supply.

Para. 9.2.14. Affordable housing need is a material consideration.

Para. 9.3.1 New housing should be well integrated with and connected to the existing pattern of settlements.

Para. 9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled.

Sections 13.5 to 13.7 deal with ground contamination.

PLANNING CONSIDERATIONS

The material considerations in the determination of this proposal are as follows;

- The principle of the proposal development in the context of local planning policies
- Accessibility and highway safety
- Ecology and trees
- Character and appearance
- Other miscellaneous issues

The principle of the proposal development in the context of local planning policies

The local planning policy context is provided by the Rhondda Cynon Taf Local Development Plan (LDP) adopted in March 2011 which provides a firm basis for rational and consistent decision taking on planning applications and appeals. 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. This is re-affirmed in Planning Policy Wales.

Set in this context it is important to consider that the application site lies entirely outside the settlement boundaries of Tonyrefail and Coedely where new residential development is strictly controlled unless adequately justified as an exception in an otherwise unsustainable location. The LDP settlement strategy identifies Coedely as an area without a settlement boundary in view of the lack of facilities in the area. Coedely benefits from a bus service, proximity to an 'A' road and a large unused employment land allocation, but lacks any school, place of worship, post office, shop, surgery, public house or library.

The Design and Access Statement (DAS) that accompanies the application acknowledges the site lies outside settlement boundaries, though seeks to justify the proposal in the following ways. Under LDP Policy AW2 the DAS refers to firstly, the site's history of colliery tipping and vehicle parking; secondly, to the site's location between the existing houses and remaining caravan storage area; and thirdly to the bus service. In response to these points, Planning Policy Wales (PPW) at paragraph 4. 9. 1 makes it clear that some previously developed land will not be suitable of development due to its location. The site has not had buildings on it in the past (apart from two domestic garages no longer there). Moreover, the bus service does not amount to a range of sustainable transport modes. Walking and cycling are not practical options given the distance to central Tonyrefail and Talbot Green. Therefore, the past use of the site, nearby established development and the bus service are not considered sufficient causes to justify residential development well outside settlement boundaries.

Under LDP Policy AW3 the DAS refers to the proposed affordable 14 dwellings the proposed 25 dwellings for first-time buyers as bringing forward

an overall affordable housing scheme. There is evidence of the 14 proposed affordable dwellings being linked to a registered social landlord (housing association), and subject to a condition or legal agreement, a mechanism could ensure the dwellings be sold as affordable homes to first-time buyers and remain affordable in perpetuity. However, there is no such evidence of a link in the case of the other 25 dwellings, which are merely stated as being 'low price starter homes for sale on the open market'. These cannot be considered affordable housing due to the lack of household nomination and perpetuity arrangements attached to the units. Appendix B of TAN 2 specifically states that low cost housing is not considered Affordable Housing by the Welsh Government for the purposes of the land use planning system.

In any event, the overall proposal does not comply with Policy AW3 as the site does not adjoin a settlement boundary, and merely stating an intention to offer 25 units for first-time buyers would not be technically 'affordable housing'.

Therefore, the proposal amounts to unjustified residential development outside settlement limits and in an unsustainable location, and for these reasons conflicts with LDP Policies CS 2, AW 2 and AW 3.

Accessibility and highway safety

LDP Policy AW5 requires new development to be accessible by a range of sustainable transport modes; to maximise the opportunities to reduce dependence on cars; to have safe access to the highway network and not cause or exacerbate traffic congestion; and provide adequate car parking in accordance with Council's Supplementary Planning Guidance (SPG). LDP Policy AW6 similarly supports development proposals that have a high level of connectivity and accessibility by a range of modes of sustainable transport.

The proposed access to serve the development is to be taken off the Ely Valley Road at a point where there is an existing access to part of the caravan storage site. The indicative layout plan of the development proposes and upgraded access to an adoptable standard complete with adequate vision splays and footways. The Transportation Section has examined the indicative proposals and while they have expressed reservations that on-street parking around the access by local residents and visitors might prejudice highway safety and free flow of traffic. However, subject to conditions (amongst others) covering the implementation of a traffic management scheme and design of the access, they have offered no objection. The Transportation Section also requires the developer to enter into a legal agreement to make a Transport Tariff contribution of £69,936 (based on the indicative plan) and £5,000 towards the Traffic Order for traffic management in reducing speed limits. The applicant has agreed in principle to enter into an agreement on these terms.

Therefore from a solely highway safety perspective the proposal is capable of providing an adequate access and for its own parking needs. To this extent the proposal satisfies LDP Policy AW5, although representations to the contrary have been received from members of the public.

From an accessibility perspective, as noted earlier in this report, the application site is well outside any settlement boundaries and located a considerable distance from the nearest key services and facilities in Talbot Green to the south and Tonyrefail to the north. Although the site is on a bus route, the options for cycling and walking are limited due to the distances involved. The development therefore will lack connectivity and accessibility to a range of sustainable transport modes and will be highly car-dependent. To this extent and for these reasons the proposal fails to satisfy LDP Policies AW5 and AW6.

Ecology and trees

Although in use predominantly for the storage of caravans the application land lies adjacent to the River Ely and is fringed by numerous trees that are the subject of a Tree Preservation Order. The River Ely and its wooded banks are also part of the Site of Importance for Nature Conservation 92. The Council's Ecologist reports that the river in this locality has had a considerable amount of recorded Otter activity. Both the Environment Agency Wales and the Council's Ecologist have commented that further information is required to enable a proper assessment to be undertaken of the consequences of the proposed development for the ecologically and trees on and around the site. LDP Policy AW8 seeks to preserve and enhance the natural environment by protecting it from inappropriate development. In addition, the policy requires all development proposals that affect protected and priority species to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts.

No ecological and tree survey information has been submitted with this application. Ordinarily, this would be sought from the applicant prior to determination to inform the planning process. But, in view of the overriding concerns about the principle of this development discussed earlier in this report, further ecological and tree information has not been pursued, though it would need to be if this proposal were otherwise considered acceptable. As it stands, however, insufficient information has been submitted to enable a proper assessment of the consequences of the proposals for ecological interests and trees at the site; therefore the application fails to satisfy the requirements of LDP Policy AW8.

Character and appearance

LDP Policy AW5 requires new development to have an acceptable impact on the character and appearance of the site and surrounding area. Furthermore, Policy AW6 supports development proposals with a high standard of design, appropriate to the local context, and an efficient use of land. In essence, current planning policy places design at the heart of the planning process and seeks to ensure that proposals for new development respond to principles of good design. In this regard, and although the proposal is in outline, the applicant's Design and Access Statement (DAS) sets out that the proposed development will consist of mixture of bungalows and houses similar in scale, appearance and design to many other houses in the Tonyrefail area. The

DAS states the development would be laid out in a new street in a regular pattern reflective of the site constraints and opportunities, and similar to the layout and density of both old and new developments in the local area.

As the application is in outline with all matters reserved for subsequent approval the precise detail of the development is not available for consideration until that stage. In the meantime, it is considered that the indicative layout would provide for reasonably well-laid out and legible residential development that maximises the use of the site, safeguards privacy and amenity, and reserves an area of land for public open space. Whilst the bungalows proposed are not characteristic of local development in the immediate surrounding area, it is acknowledged they represent a specific design response to the perceived need for this type of dwelling in the locality and a means of justifying the proposal in this location.

In summary and notwithstanding the material issues, it is considered the proposed development would not be unduly harmful to the character and appearance of the area, therefore satisfies LDP policy AW5 in this regard.

Other miscellaneous issues

Other miscellaneous considerations in this case relate to the consequences of the proposals for flood risk, drainage and contamination of the site, and for the safeguarding of mineral (specifically Sandstone) resources on the land.

In terms of the first of these matters the application site lies in close proximity to the River Ely though only a very limited part of the land is identified as lying within an area at risk of flooding. Besides, the indicative layout plan does not propose any built development on that part of the site therefore there is no objection to the application from this perspective.

The drainage of the development and remediation of any contamination arising from current and past land uses are matters capable of being addressed by appropriate conditions to planning permission if the proposals were otherwise acceptable.

Finally, the application site lies in an area of known sandstone resources, the extraction of which is safeguarded from unnecessary hindrance and sterilisation under LDP Policy AW14. The identification of safeguarding areas for minerals does not carry a presumption that planning permission will be granted for extraction as other issues might prevail. Given the close proximity of the application site to an ecologically sensitive river corridor and to neighbouring residential dwellings, and the fact that Pennant Sandstone covers approximately 70% of the County Borough, it would seem unlikely that mineral extraction is realistic at this location and its sterilisation to other development will not significantly diminish the resource. Therefore the proposal is not in conflict with LDP Policy AW14.

Conclusion and Recommendation

In conclusion and taking into account all of the above into consideration, the proposal amounts to unjustified residential development outside settlement limits and in an unsustainable location as it would not be accessible to the local and wider community by a range of sustainable modes of transport. For these reasons the proposal conflicts with LDP Policies CS2, AW2, AW3, AW5 and AW6. Also, insufficient information has been submitted to permit an adequate assessment of the consequences of the proposal for the ecological interests and protected trees on the site and its immediate surroundings. For this reason the proposal fails to satisfy LDP Policy AW8. The proposal therefore is recommended for refusal.

RECOMMENDATION

Refuse

REASONS FOR REFUSAL

1. The proposal is contrary to Rhondda Cynon Taf Local Development Plan policies CS2, AW2, and AW3 as it is unjustified residential development outside settlement limits and in an unsustainable location, and contrary to policies AW5 and AW 6 in that the development would not be accessible to the local and wider community by a range of sustainable modes of transport.
2. Insufficient information has been submitted to permit an adequate assessment of the consequences of the proposal for the ecological interests and protected trees on the site and its immediate surroundings. For this reason the proposal fails to satisfy policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPENDIX A

APPLICATION NO: 12/1144/13 (PB)
APPLICANT: Triseren Investments Limited
DEVELOPMENT: Residential development (outline application).
LOCATION: FOREST VIEW VACANT LAND, ELY VALLEY ROAD,
COEDEL, TONYREFAIL
DATE REGISTERED: 01/11/2012
ELECTORAL DIVISION: Tonyrefail East

APPLICATION DETAILS

Planning permission is sought for the residential development of land at the Riverside, Elwyn Street, Coedely. The application is in outline with all matters of detail reserved for future consideration. The proposal is for the development of 32 dwellings which the application states will comprise 7 adapted affordable bungalows for rent by one of the Council's partner housing associations, together with 25 low-price starter homes for sale on the open market.

An indicative layout plan and Design and Access Statement accompany the application. The proposed development would be located in a new cul de sac to be constructed to adoptable standards off Elwyn Street. The proposed bungalows would be located together at the western end of the site and each would measure from 9m to 11m in depth, 9m to 11m in depth and 5.5m to 6.5m in height to the ridge. The other 25 houses would occupy the remainder of the site and would comprise a mix of 2 bedroom link and 3 bedroom semi-detached houses, all of two storeys and each measuring from 4.25m to 5.5m in width, 8.5m to 9.5m in depth and 8.0m to 9.5m in height to ridge. Each of the dwellings would be laid out with off-street parking and a private garden. A small informal public amenity space is indicated to be laid out near the entrance to the site.

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PLANNING HISTORY

12/0294 Forest View, Variation of Conditions 2 & 3 of Approved

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86/0908	Land adjacent to Ely Valley Garage	Open air market Wednesday 9-4	Approved 22/09/86

PUBLICITY

Neighbouring properties notified by letter, site notices displayed and a press notice published.

No representations made by members of the public in response to publicity of the application.

CONSULTATIONS

Transportation Section - no objection subject to conditions and the applicant entering into a Section 106 Agreement to:

- i) make a transport tariff contribution of £69,936 towards improving the strategic highway network;
- ii) secure the proper implementation of the proposed highway works, including an appropriate bond if applicable; and,
- iii) make a contribution of £5,000 towards the TRO for traffic management in reducing the speed limit from 40 mph to 30 mph on the highway fronting the site.

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Environment Agency Wales - comments as follows:

(i) *Biodiversity*: insufficient information has been submitted to assess to the impact of the proposal on local wildlife. Recommends an ecological appraisal of the site is undertaken to establish the ecological baseline so that the impact on ecology of the site can be assessed.

(ii) *Pollution prevention*: a condition requiring prior approval of a Construction Method Statement to prevent pollution of the water environment is recommended.

(iii) *Flood risk/Greenfield sites*: the majority of the site is not located within a flood risk area, except for a small part which the indicative site layout would have no built development. Surface water run-off should be dealt with by way of a Sustainable Drainage System (SuDS).unless it can be justified SuDS is not feasible. Surface water drainage will be measured against the existing

Greenfield/undeveloped site. The EAW will be seeking reductions in the peak rates of run-off from the existing site characteristics.

(iv) *Flood Defence Consent*: will be required from the EAW for any works within 7 metres of the River Ely which is a statutory main river.

Parks and Countryside Section - a Tree Preservation Order (TPO 69, 2005) is on part of the site, though it seems some of it has already been lost. A Tree Survey is recommended to be commissioned and submitted to help identify the TPO edge and how the proposed development affects that edge. The River Ely and its wooded banks are also part of the Site of Interest for Nature Conservation (SINC 92). The River in this area has had a considerable amount of Otter *Lutra lutra* activity. We need to understand how the proposed development relates to the river, how the river can be successfully protected and whether any mitigation is available. If the river is being affected some ecological survey assessment will be needed. If any mature trees are affected a bat survey will be needed. Japanese Knotweed is major problem in the vicinity.

Welsh Water/Dwr Cymru - no objection subject to drainage conditions. Also, offers advice in relation to the proximity of the development to a public sewer and trunk/distribution water main that cross the site.

POLICY CONTEXT

Rhondda Cynon Taff Local Development Plan

The application land is situated outside any settlement boundaries and within Sandstone resources safeguarding area.

Policy CS 2 emphasises sustainable development that benefits the whole plan area, and focuses development within settlement boundaries.

AW1 defines the housing land supply, to be met by specified ways that do not include settlements without defined boundaries.

AW2 proposes development of non-allocated sites in sustainable locations, which are those within settlement boundaries.

AW3 provides for 100% affordable housing schemes on the outside edge of settlement boundaries.

AW4 provides for planning obligations to be sought where necessary to make proposals acceptable.

AW5 and AW6 give general criteria for new development.

AW8 protects the natural environment from inappropriate development, and requires demonstration of measures for protection, management and mitigation of potential impacts where appropriate.

AW10 states that proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of a range of factors, including land contamination.

AW14 requires the protection of sandstone resources.

SSA11 sets a minimum density of 35 dwellings per hectare (dph) and gives criteria for lower densities.

SSA12 seeks 20% affordable housing provision.

SSA13 promotes development within settlement boundaries.

Supplementary Planning Guidance (SPG)

Design & Placemaking

Delivering Design & Placemaking - Access, Circulation & Parking.

National Planning Policy

Planning Policy Wales 5 (November 2012)

Para. 3.1.5. The local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan.

Para. 4.9.1. Previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites. The Welsh Government recognises that not all previously developed land is suitable for development, for example, because of its location.

Para. 9.1.1. Preference for redevelopment of previously developed land for housing.

Para. 9.1.2. Sustainable residential environments: good access to public transport, walking and cycling; good access to employment, retail and other services.

Para. 9.2.3. There should be a 5-year housing land supply.

Para. 9.2.14. Affordable housing need is a material consideration.

Para. 9.3.1 New housing should be well integrated with and connected to the existing pattern of settlements.

Para. 9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled.

Sections 13.5 to 13.7 deal with ground contamination.

PLANNING CONSIDERATIONS

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The material considerations in the determination of this proposal are as follows;

- The principle of the proposal development in the context of local planning policies
- Accessibility and highway safety
- Ecology and trees
- Character and appearance
- Other miscellaneous issues

The principle of the proposal development in the context of local planning policies

The local planning policy context is provided by the Rhondda Cynon Taf Local Development Plan (LDP) adopted in March 2011 which provides a firm basis for rational and consistent decision decisions on planning applications and appeals. 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. This is re-affirmed in Planning Policy Wales.

Set in this context it is important to consider that the application site lies entirely outside the settlement boundaries of Tonyrefail and Coedely where new residential development is strictly controlled unless adequately justified as an exception in an otherwise unsustainable location. The LDP settlement strategy identifies Coedely as an area without a settlement boundary in view of the lack of facilities in the area. Coedely benefits from a bus service, proximity to an 'A' road and a large unused employment land allocation, but lacks any school, place of worship, post office, shop, surgery, public house or library.

The Design and Access Statement (DAS) that accompanies the application acknowledges the site lies outside settlement boundaries, though seeks to justify the proposal in the following ways. Under LDP Policy AW 2 the DAS refers to firstly, the site's history of colliery tipping and vehicle parking; secondly, to the site's location between the existing houses and remaining caravan storage area; and thirdly to the bus service. In response to these points, Planning Policy Wales (PPW) at paragraph 4. 9. 1 makes it clear that some previously developed land will not be suitable of development due to its location. The site has not had buildings on it in the past (apart from two domestic garages no longer there). Moreover, the bus service does not amount to a range of sustainable transport modes. Walking and cycling are not practical options given the distance to central Tonyrefail and Talbot Green. Therefore, the past use of the site, nearby established development and the bus service are not considered sufficient causes to justify residential development well outside settlement boundaries.

Under LDP Policy AW 3 the DAS refers to the proposed 7 dwellings for social rent and the proposed 25 dwellings for first-time buyers as bringing forward an affordable housing scheme. However, there is no evidence of the proposal being linked to a registered social landlord, such as a housing association, or a clear explanation as to the mechanism that will ensure the dwellings will be sold as affordable homes to first-time buyers and remain affordable in perpetuity. Besides, the proposal does not comply with Policy AW3 as the site does not adjoin a settlement boundary, and merely stating an intention to offer 25 units for first-time buyers would not be technically 'affordable housing'.

Therefore, the proposal amounts to unjustified residential development outside settlement limits and in an unsustainable location, and for these reasons conflicts with LDP Policies CS 2, AW2 and AW3.

Accessibility and highway safety

LDP Policy AW 5 requires new development to be accessible by a range of sustainable transport modes; to maximise the opportunities to reduce dependence on cars; to have safe access to the highway network and not cause or exacerbate traffic congestion; and provide adequate car parking in accordance with Council's Supplementary Planning Guidance (SPG). LDP Policy AW6 similarly supports development proposals that have a high level of connectivity and accessibility by a range of modes of sustainable transport.

The proposed access to serve the development is to be taken off the Ely Valley Road at a point where there is an existing access to part of the caravan storage site. The indicative layout plan of the development proposes and upgraded access to an adoptable standard complete with adequate vision splays and footways. The Transportation Section has examined the indicative proposals and have expressed reservations that on-street parking around the access by local residents and visitors might prejudice highway safety and free flow of traffic. However, subject to conditions (amongst others) covering the implementation of a traffic management scheme and design of the access, they have offered no objection. The Transportation Section also requires the developer to enter into a legal agreement to make a Transport Tariff contribution of £69,936 (based on the indicative plan) and £5,000 towards the Traffic Order for traffic management in reducing speed limits. The applicant has agreed in principle to enter into an agreement on these terms.

Therefore from a solely highway safety perspective the proposal is capable of providing an adequate access and for its own parking needs. To this extent the proposal satisfies LDP Policy AW5.

From an accessibility perspective, as noted earlier in this report, the application site is well outside any settlement boundaries and located a considerable distance from the nearest key services and facilities in Talbot Green to the south and Tonyrefail to the north. Although the site is on a bus route, the options for cycling and walking are limited due to the distances involved. The development therefore will lack connectivity and accessibility to a range of sustainable transport modes and will be highly car-dependent. To

this extent and for these reasons the proposal fails to satisfy LDP Policies AW5 and AW6.

Ecology and trees

Although in use predominantly for the storage of caravans the application land lies adjacent to the River Ely and is fringed by numerous trees that are the subject of a Tree Preservation Order. The River Ely and its wooded banks are also part of the Site of Importance for Nature Conservation 92. The Council's Ecologist reports that the river in this locality has had a considerable amount of recorded Otter activity. Both the Environment Agency Wales and the Council's Ecologist have commented that further information is required to enable a proper assessment to be undertaken of the consequences of the proposed development for the ecologically and trees on and around the site. LDP Policy AW8 seeks to preserve and enhance the natural environment by protecting it from inappropriate development. In addition, the policy requires all development proposals that affect protected and priority species to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts.

No ecological and tree survey information has been submitted with this application. Ordinarily, this would be sought from the applicant prior to determination to inform the planning process. But, in view of the overriding concerns about the principle of this development discussed earlier in this report, further ecological and tree information has not been pursued, though it would need to be if this proposal were otherwise considered acceptable. As it stands, however, insufficient information has been submitted to enable a proper assessment of the consequences of the proposals for ecological interests and trees at the site; therefore the application fails to satisfy the requirements of LDP Policy AW 8.

Character and appearance

LDP Policy AW 5 requires new development to have an acceptable impact on the character and appearance of the site and surrounding area. Furthermore, Policy AW6 supports development proposals with a high standard of design, appropriate to the local context, and an efficient use of land. In essence, current planning policy places design at the heart of the planning process and seeks to ensure that proposals for new development respond to principles of good design. In this regard, and although the proposal is in outline, the applicant's Design and Access Statement (DAS) sets out that the proposed development will consist of mixture of bungalows and houses similar in scale, appearance and design to many other houses in the Tonyrefail area. The DAS states the development would be laid out in a new street in a regular pattern reflective of the site constraints and opportunities, and similar to the layout and density of both old and new developments in the local area.

As the application is in outline with all matters reserved for subsequent approval the precise detail of the development is not available for consideration until that stage. In the meantime, it is considered that the

indicative layout would provide for reasonably well-laid out and legible residential development that maximises the use of the site, safeguards privacy and amenity, and reserves an area of land for public open space. Whilst the bungalows proposed are not characteristic of local development in the immediate surrounding area, it is acknowledged they represent a specific design response to the perceived need for this type of dwelling in the locality and a means of justifying the proposal in this location.

In summary and notwithstanding the other material issues, it is considered the proposed development would not be unduly harmful to the character and appearance of the area, therefore satisfies LDP policy AW5 in this regard.

Other miscellaneous issues

Other miscellaneous considerations in this case relate to the consequences of the proposals for flood risk, drainage and contamination of the site, and for the safeguarding of mineral (specifically Sandstone) resources on the land.

In terms of the first of these matters the application site lies in close proximity to the River Ely though only a very limited part of the land is identified as lying within an area at risk of flooding. Besides, the indicative layout plan does not propose any built development on that part of the site therefore there is no objection to the application from this perspective.

The drainage of the development and remediation of any contamination arising from current and past land uses are matters capable of being addressed by appropriate conditions to planning permission if the proposals were otherwise acceptable.

Finally, the application site lies in an area of known sandstone resources, the extraction of which is safeguarded from unnecessary hindrance and sterilisation under LDP Policy AW 14. The identification of safeguarding areas for minerals does not carry a presumption that planning permission will be granted for extraction as other issues might prevail. Given the close proximity of the application site to an ecologically sensitive river corridor and to neighbouring residential dwellings, and the fact that Pennant Sandstone covers approximately 70% of the County Borough, it would seem unlikely that mineral extraction is realistic at this location and its sterilisation to other development will not significantly diminish the resource. Therefore the proposal is not in conflict with LDP Policy AW 14.

Conclusion and Recommendation

In conclusion and taking into account all of the above into consideration, the proposal amounts to unjustified residential development outside settlement limits and in an unsustainable location as it would not be accessible to the local and wider community by a range of sustainable modes of transport. For these reasons the proposal conflicts with LDP Policies CS2, AW2, AW3, AW5 and AW6. Also, insufficient information has been submitted to permit an adequate assessment of the consequences of the proposal for the ecological interests and protected trees on the site and its immediate surroundings. For

this reason the proposal fails to satisfy LDP Policy AW8. The proposal therefore is recommended for refusal.

RECOMMENDATION: Refuse

1. The proposal is contrary to Rhondda Cynon Taf Local Development Plan policies CS 2, AW 2, and AW 3 as it is unjustified residential development outside settlement limits and in an unsustainable location, and contrary to policies AW 5 and AW 6 in that the development would not be accessible to the local and wider community by a range of sustainable modes of transport.
2. Insufficient information has been submitted to permit an adequate assessment of the consequences of the proposal for the ecological interests and protected trees on the site and its immediate surroundings. For this reason the proposal fails to satisfy policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

3 OCTOBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 12/1144 -
RESIDENTIAL DEVELOPMENT
(OUTLINE), THE RIVERSIDE,
ELWYN STREET, COEDEL**

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See Relevant Application File