

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
7 NOVEMBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.5
APPLICATIONS RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To refuse the applications subject to the reasons outlined in Appendix 1.

- 1 Application No. 13/0285 - Erection of a bungalow and 2 one bedroom flats together with external works. (Amended plans received 9th August 2013 showing revised design of bungalow and retention of 7 out of 11 trees on site), land off Heol Hensol, Yorkdale, Beddau, Pontypridd.
- 2 Application No. 13/0488 - Change of use of existing stables and offices to residential use including a two storey extension. Retention and relocation of existing stable block 2 within existing residential curtilage, The Old Barn, Heol Ddu, Castellau, Llantrisant.
- 3 Application No. 13/0895 - Two detached houses, Land At Heol-Y-Beilliau, Llantrisant.

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APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 13/0285/10 (PB)
APPLICANT: A & C Builders (Beddau) Ltd
DEVELOPMENT: Erection of a bungalow and 2 one bedroom flats together with external works. (Amended plans received 9th August 2013 showing revised design of bungalow and retention of 7 out of 11 trees on site)
LOCATION: LAND OFF HEOL HENSOL, YORKDALE, BEDDAU, PONTYPRIDD.
DATE REGISTERED: 22/03/2013
ELECTORAL DIVISION: Beddau

RECOMMENDATION: Refuse

REASONS:

The development of a disabled bungalow and two flats with garden and parking areas will result in the loss of undeveloped land that is considered a valuable open space in the urban area at this location. Also, it result in the loss of 4 out of 11 mature trees that are protected by a Tree Preservation Order that make a valuable contribution to local visual amenity. In addition, the design and layout of the development is out of character with its surroundings and will have an overbearing impact on neighbouring dwellings in Cynan Close due to its close proximity arising from the narrowness of the site. Previous applications for residential development have been refused for similar reasons.

APPLICATION DETAILS

This application seeks full planning permission of bungalow and two one-bedroom flats on land at Heol Hensol, Beddau. The applicant advises that bungalow is designed for occupation for a disable person and other family members, and the flats intended to meet a local need for this type of property.

The two buildings are laid out and designed in such a way that the principal elevations, in terms of window and door openings are mainly confined to the narrower end elevations of the buildings instead of the wider elevations facing Heol Hensol and Cynan Close. Each building has its own off-street parking and private garden/amenity space, with the bungalow additionally incorporating a car port to provide disabled access and parking. Land at each end of the site would be excluded from the curtilage of the buildings and laid out as landscaped open space

retained and maintained by the applicant. A footway would be constructed across the entire length of the site frontage with Heol Hensol.

It is proposed to fell 4 of the 11 trees on the site that are subject of Tree Preservation Order No 48 confirmed by the Council in 2000. The trees to be felled are numbered T3, T4, T7 and T8, all located towards the centre of the site where the buildings are to be located.

The application is supported by:

- Design and Access Statement
- Tree Survey

SITE APPRAISAL

The application site comprises a comparatively long and narrow parcel of open space land flanking the western side of Heol Hensol and the rear boundaries of dwellings in Cynan Close. The site is approximately 0.12 hectares and slopes very gently down from the frontage with Heol Hensol towards a narrow watercourse that skirts part of the boundaries with the rear gardens of dwellings in Cynan Close. The land is presently home to numerous mature trees, together with grass and undergrowth. The trees on the site are the subject of a Tree Preservation Order. The site is situated in an area of well-established existing housing, including other bungalows and flats.

PLANNING HISTORY

04/2385	Land off Heol Hensol, Yorkdale, Beddau, Pontypridd	Proposed pair of semi detached dwellings.	Refused 18/02/05
00/2820	Land adj. to Heol Hensol	Erection of 1 No detached 4 bedroom house together with external works	Refused 15/12/00
89/0665	Parcel of land Heol Hensol	Two detached houses - outline	03/10/89
85/0075	Land adj. to Heol Hensol	2 detached houses	Refused 12/04/85

PUBLICITY

The application has been the subject of neighbour notification letters and site notices.

Arising from the above a total of 5 letters of objection has been received, the reasons being summarised as follows:

- Parking and traffic issues on the estate
- Loss of privacy due to overlooking, noise and disturbance
- Existing trees on the site are protected from felling
- Risks exacerbating flooding issues from channel/culvert along the rear perimeter of the site
- Loss of wildlife habitat
- Loss of area used by children for play

In addition 2 letters received on behalf of 11 residents of 8 properties in Cynon Close lists the following objections to the proposal:

- Four previous applications for development of the site have been refused in 1985, 1989, 2000 and 2004.
- Trees on the site are subject to a Tree Preservation Order.
- Flooding of rear gardens.

CONSULTATIONS

Transportation Section - no objection subject to conditions.

Land Reclamation and Engineering - drainage conditions recommended.

Public Health and Protection - no adverse comment subject to hours of construction operations condition to safeguard residential amenity.

Parks and Countryside Section -notes the applicant's assessment of the health of the trees on the site though expresses some concern that in the absence of an assessment of potential impact on bats that might be inhabiting the trees proposed for removal.

Dwr Cymru/Welsh Water - no adverse comment.

POLICY CONTEXT

Rhondda Cynon Taff Local Development Plan

Application site lies within settlement limits of Beddau and is unallocated.

Policy CS2 promotes residential development in the south, including development that promotes the re-use of previously developed land.

Policy CS5 identifies the number of affordable housing to be provided.

Policy AW2 supports development on non-allocates sites that are in sustainable locations only.

Policy AW5 and **AW6** list amenity, accessibility, design and place making criteria that will be supported in new developments.

Policy AW8 seeks to protect and enhance the natural environment.

Policy SSA13 supports residential development within defined settlement boundaries subject to criteria.

Policy SSA11 requires a minimum of density of 35 dwellings per hectare on new development sites unless a deviation justified.

National Guidance

Planning Policy Wales, Chapter 9 Housing sets out the Welsh Government's policy on housing and planning.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport

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 the relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main issues

Principle of development

The application site comprises undeveloped land within the settlement limits of Beddau, as defined in the Local Development Plan, where development is normally considered acceptable in principle unless there are material considerations that indicate to the contrary.

Impact of trees and open space

The application site hosts 11 mature trees, all Oak apart from two Birches that are the subject of a Tree Preservation Order No 48 confirmed by the Council in 2000. The proposed development will result in the removal of four of these trees, mainly located towards the centre of the site where the buildings are to be located. The remaining 7 trees would be retained. Although applicant's tree survey has assessed

the trees as being in mixture of fair to poor physiological condition, nevertheless they are a prominent feature of the site and are an important contributory element of the site's character as informal open space within the urban environment. This is evidenced by the support for the retention of the trees that has been expressed by neighbouring residents whose oppose the application. Whilst the application seeks to minimise the impact of the development it will nevertheless result in the loss of trees that form an otherwise coherent group through the site. This brings the proposal squarely into conflict with the principle consideration that seeks the retention trees deemed worthy of protection in the first place. Moreover, the loss of the trees and construction of two dwellings, with accompanying enclosed garden space, in combination will result in the loss of much of the informal open space and be unacceptably harmful to the character and visual appearance of the locality. Even the trees that are to be retained may not be secure in the long term as their close proximity to the buildings and parking spaces may render them susceptible to lopping, pruning and unintentional damage to the roots from parked vehicles.

Design, character and appearance of the development

It is quite clear, whilst the site is capable of accommodating the development as designed and laid out, the proposal is significantly constrained by the configuration of the site, the presence of protected trees and the proximity of neighbouring dwellings in Heol Hensol and Cynan Close. These constraints have given rise a design of dwellings that do not sit well on the site and have a poor relationship to their surroundings. The narrowness of the site means that the dwellings are sited very close to the rear boundaries of existing dwellings in Cynan Close such that they would have an overbearing influence on the occupiers of those properties, especially when they use their gardens. Moreover, in an effort to avoid overlooking and loss of privacy to neighbouring dwellings the principal elevations (front and back) of the proposed bungalow and flats would contain very few windows and door opening, these mainly confined to the narrower 'side' elevations. The net result is that the dwellings would present very bland, indeed almost featureless, elevations to the Heol Hensol and the rear Cynan Close, which merely emphasises their poor relationship to their surroundings. For these reasons it is considered the proposal is poorly designed and would be out of character and appearance with surrounding the design and layout of surrounding development to an unacceptable extent.

Residential amenity

As noted above, the proposed buildings are designed in such a manner to avoid overlooking and loss of privacy to neighbouring occupiers, especially given their close proximity to neighbouring dwellings in Cynan Close. However, the close proximity of the buildings to the rear boundaries of the dwellings in Cynan Closer is itself an issue as it is considered will have an undue overbearing impact on the occupiers of those properties.

Planning history

The fact that previous planning applications for residential development of this land have been refused in recent years is a material consideration of significant weight. Unlike previous schemes, however, on this occasion the proposal seeks justification on the basis that it would provide an adapted bungalow to meet the needs of a disabled person and associated family members and provide flats to meet demand for small units of accommodation in the locality. The applicant has provided evidence to support this need from a local Housing Association. Whilst the need for this kind of accommodation is not disputed, there is no evidence to explain why this need cannot be met on suitable alternative sites. In the circumstances, therefore, it is considered that the need for the development is not sufficient justification to set aside the other material issues in this case.

Other issues

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

Highway safety and parking

Neighbouring residents express the view that the development will exacerbate parking issues around the site. However, there is no highways objection to the proposal development is capable of meeting its own parking needs, though in doing so poses a risk of affecting trees on the site.

Drainage and flood risk

Neighbouring residents have expressed concern that the development poses a risk of flooding from a watercourse that runs along part of the boundary with the rear properties in Cynan Close. The proposal would be required to be adequately drained and not to pose risk of flooding. If the scheme were otherwise acceptable these are matters capable of being dealt with by means of appropriately worded conditions.

Wildlife

Neighbours and the Council's Ecologist have drawn attention the wildlife habitat value of the site, in particular the trees which might host Bats (European Protected Species). No ecological appraisal of the site is submitted with the application, though were it otherwise acceptable, such an appraisal and any appropriate mitigation measures would be requested prior to determination.

RECOMMENDATION: Refuse

1. The proposal development conflicts with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan as it would amount to insensitive and inappropriate infill development poorly related to the layout, character and appearance of the surrounding area, and would have an unacceptable

overbearing impact on neighbouring dwellings in Cynan Close due to its close proximity.

2. The proposed development conflicts with policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would result in the loss of a significant part of an urban open space and a number of trees the subject of Tree Preservation Order No. 48, which make an important contribution to the character of the visual amenity value of the surrounding area by virtue of its openness and the mature trees on the site.

APPLICATION NO: 13/0488/10 (GW)
APPLICANT: Mr P Costello
DEVELOPMENT: Change of use of existing stables and offices to residential use including a two storey extension. Retention and relocation of existing stable block 2 within existing residential curtilage.
LOCATION: THE OLD BARN, HEOL DDU, CASTELLAU, LLANTRISANT, CF72 8LP.
DATE REGISTERED: 22/05/2013
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: Refuse

REASONS:

The principle of the proposed development is unacceptable as the proposal fails to meet the policy criteria for the conversion of existing buildings located in the countryside to residential use. As such, the development amounts to a new dwelling in the countryside and is an unsustainable form of development. The proposal would have a detrimental impact on an area identified as a Special Landscape Area. Intensification of the existing access and road would also lead to highway safety issues.

APPLICATION DETAILS

Planning permission is sought for an extension and change of use of a stable/office to a separate dwelling. The stable block was constructed relatively recently (approximately 2001), to serve a residential barn conversion (formerly part of Coed Cawr Mawr Farm). The applicant's Design and Access statement details that the stable use is not required as older children have moved away and its conversion to a dwelling is required to provide for elderly parents to live nearby.

The building is currently used as a home office at first floor level and a stable on the ground floor. The plans detail four bedrooms (one with an ensuite) and a separate bathroom, would be provided at first floor level. The ground floor would have a hall, w.c, lounge and a dining/kitchen with an additional utility area. An extension would be located on the western side of the stable block. It would be two-storey with a gable end and would measure 7m in width, 2.7m in depth and with a height of 6.2m. The application details the finishing materials of the extension would match the existing building. A separate curtilage from the Old Barn would also be created including, a garden area and parking area accessed from the existing shared access.

An existing wooden stable block that does not have the benefit of planning permission is also detailed in the application. It is proposed to relocate this to another part of the site within the grounds of 'The Old Barn'. This stable block is detailing as catering for 3 horses and measures 11m in width, 3.6m in depth and a maximum of 2.9m in height.

The application is accompanied by the following:

- Design and Access Statement which states the dwelling is required for accommodation for elderly parents.
- A bat survey

SITE APPRAISAL

The site currently contains a single dwelling (The Old Barn) which has been converted from a former agricultural barn and was previously part of Coed Cawr Mawr Farm. It is located in close proximity to the farm house and adjacent to Heol Ddu in Castellau and now benefits from a separate access. The stable block, the subject of this application, is located to the west of the dwelling, which is the opposite side to Coed Cawr Mawr Farm house. Its elevations are finished in part brick and part render and its roof is finished in slate. It measures 13.4m in width, 7.2m in depth and with a maximum height of 6.4m.

The other wooden stable (which is unauthorised and is proposed to be retained and re-positioned on site) is located next to the original stable block and close to the access. Behind the dwelling and stable block are the garden areas, a relatively large turning circle and open fields beyond.

PLANNING HISTORY

01/2106	Coed Cae Mawr Farm, Heol Ddu, Castellau	Proposed new highway access to existing farm buildings.	Granted 26/03/01
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00/2102	Coed Cae Mawr Farm, Heol Ddu, Castellau	Relocation of existing agricultural barn	Withdrawn 23/03/00
00/2983	Coed Cae Mawr Farm, Heol Ddu, Castellau	Change of use from vacant farm buildings to residential accommodation	Granted 26/03/01
99/2592	Coed Cae Mawr Farm, Heol Ddu, Castellau	Conversion of two barns to one dwelling	Granted 19/11/99
93/0955	Coed Cae Mawr Farm, Heol Ddu, Castellau	Conversion of two existing barns to one dwelling	Granted 22/02/94

PUBLICITY

The application has been advertised via site notice and direct neighbour consultation. No objections had been received at the time of writing this report.

CONSULTATION

Countryside, Landscape and Ecology - no objection. The submitted bat assessment is acceptable. The recommendations in section 8 of the survey should be provided.

Dwr Cymru/Welsh Water - no objection subject to drainage conditions.

Land Reclamation and Engineering - no objection subject to drainage conditions. A watercourse runs close to the site and a Hydrological Impact Assessment should be provided.

Public Health and Protection - no objection subject to conditions on hours of operation during construction, noise, dust and waste.

Transportation Section - objects – the access lanes leading to the site are sub-standard, the access lacks adequate visibility and the proposal is in an unsustainable location due to the lack of public transport.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is identified as outside the settlement boundary and unallocated. It is also identified as being within a Special Landscape Area SSA 23.6. – Mynydd y Glyn and Nant Muchudd Basin.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

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 AW9 supports the conversion of buildings in the countryside if they are structurally sound or is capable of being made so without substantial major external alteration or reconstruction and that it can be demonstrated there are no viable alternative uses to secure the retention of the building and that the building is of architectural merit and / or historical merit.

Policy SSA13 - promotes development within settlement boundaries.

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

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings; and
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

The site is located outside the defined settlement limits and policies in the adopted Local Development Plan do not support new housing in such rural locations. Policy AW1 mainly supports new housing within the settlement boundary and allocated sites and policy AW2 supports development in sustainable locations, such as in the settlement boundary served by a range of sustainable transport options. One criterion of this policy defines a sustainable location as one where the proposal would relate to an existing building in the countryside and accords with policy AW9, relating to the conversion of existing buildings.

Policy AW9 details two main criteria:

The building should be structurally sound or be capable of conversion without substantial major alteration. The building was constructed relatively recently (2001) and is currently in use as a stable with office above. No structural survey has been submitted however, as the building is barely 12 years old, it is assumed that building is structurally sound and this is not therefore an issue which needs to be taken into account in determining the current application.

The second criterion under Policy AW9 supports residential uses, if other uses are not viable and the building has architectural and/or historical merit. With regard to other potential uses, no information has been submitted with the application to demonstrate that any consideration has been given to other potential uses. The applicant states that the current stable building is surplus to requirements however, the proposal involves the retention of an unauthorised stable block (detailed in the application) and no explanation has been given regarding why an unauthorised stable is being retained in preference to a building that is already approved for stability and is lawful. Furthermore, the plans originally submitted (now superseded) detailed further stables may be potentially required in the future, which would also suggest that the use of the existing building as a stable may be required in the future. Whilst the applicant's reasons for desiring a new dwelling are appreciated, these are not considered to override the well-established policy restriction on development in the countryside and should therefore carry little weight in support of the application.

The main part of the criterion relevant to this application looks to retain buildings of significant architectural and/or historic merit, particularly those which may be at risk of being lost, if they had become redundant. In terms of this part of the criterion, the stable was not part of the original farm complex and was built (in approximately 2001) within the residential curtilage of the newly converted barn. The building is a

modern stable building and it is therefore considered that the building does not have any historical or architectural qualities that would justify its retention and conversion to a dwelling. Furthermore, the proposed extension would lead to a more domestic looking building and a loss of the existing building's original character and form. As such, it is considered that there can be no justification put forward for allowing the building to be retained for its historical and/or architectural merits.

Therefore taking the above into account, it is considered the proposal does not comply with policy AW9 for residential conversion.

Sustainability

Turning to the sustainability issue, the building is in essence an outbuilding serving an existing dwelling located in the countryside and is not part of a farm unit and does not have any commercial or industrial use. The proposed conversion would however introduce an intensification of the residential use of the site. There are no public transport links in close proximity to the site and it is likely the occupiers would need to rely on the use of a private car. It is appreciated the dwelling is detailed as being for the elderly parents of the applicant; however it would be difficult to restrict its private sale at a future point, particularly in view of the level of accommodation that is proposed. As detailed above, the proposal does not accord with policy AW9 for conversion of existing buildings in the countryside. Therefore in planning terms, the application constitutes the creation of a new dwelling outside the settlement boundary, not served by public transport and which is therefore considered to be an unsustainable form of development, contrary to policy AW2.

The principle of the proposed development is therefore unacceptable and the proposal would cause significant harm to rural protection policies. This view is supported by the Spatial Planning Section, which has raised a policy objection to the proposal.

Visual impact on the character of the area and Special Landscape Area

The stable building is located within the residential curtilage of an existing barn conversion, however it is physically separated from the dwelling (The Old Barn) by approximately 15 metres. Whilst the building is not considered to have any significant historical or architectural merit, it is rural in character and clearly incidental to The Old Barn conversion. The proposal however details a large extension, which would result in the visual appearance of the building becoming very domesticated and it is considered that the existing stable would be clearly seen as a new dwelling in the countryside, rather than the conversion of an existing rural building. It is therefore considered that the current proposal would fail to comply with policy AW6, as it is not of a high standard of design which reinforces attractive qualities and local distinctiveness or is appropriate to the local context in particular, in terms of its siting, appearance, elevational treatment and detailing.

For this reason, the proposal is also considered to cause visual harm to the rural character of the area, particularly taking into account the designation of the site within Special Landscape Area SSA 23.6. - Mynydd y Glyn and Nant Muchudd Basin. The primary landscape qualities that have been identified for this SLA include that this is the largest area of un-industrialised lowland farmland within RCT and the key policies for the management of this area are to ensure no large-scale development and to conserve patterns of existing smallholdings and associated uses. Such designation requires development to conform to the highest possible design standards and it is not considered that the proposal fulfils this criterion and would cause harm to the distinctive landscape of the area and unspoilt low lying farmland, which the policy seeks to protect.

Highway safety

With regard highway safety, it is proposed to use the access that serves the applicant's dwelling, 'The Old Barn'. An objection has been raised by the Transportation Section that the access lanes leading to the site are sub-standard and the access lacks adequate visibility. The applicant has provided further details to show the existing access has better visibility than that granted for the original barn conversion and further support for the proposal. The Transportation Section has assessed this and maintains their objection. Therefore taking into account the above, it is considered the existing access to the site would not be acceptable to serve an additional residential dwelling.

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:

Residential amenity

With regard to the impact on residential amenity, the nearest neighbouring property is on the opposite side of the former barn and as such, there would be no significant impact.

Ecology

The existing stable has potential for protected species such as bats. A bat survey has been submitted by the applicant, which concludes there is little evidence to show the building supports bats. It also details some requirements if permission were to be granted. No objection has been raised from the Council's Ecologist.

Unauthorised Stable

The unauthorised stable has been included in this proposal to retain and relocate it to a different part of the site. The size and design is typical of stables for use by a single dwelling. It would also be relocated to a position still within the curtilage of 'The Old Barn'. Although the dwelling contains an existing stable building (which is subject to conversion to residential as part of this application), it is not considered the additional stable would be an overdevelopment of the current curtilage of the former barn or would have a significant detrimental visual impact on the area as a whole. Therefore as such, this issue would not warrant a refusal reason. Members will note that as this application is being recommended for refusal, a separate application would be required for this element, if permission is refused.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning dust issues.

Conclusion

The application is considered not to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, sustainability, visual impact and highway safety (policies AW1, AW2, AW5, AW6, AW9 and SSA23).

RECOMMENDATION: Refuse

1. The proposed residential conversion is considered not to comply with the requirement of policy AW9 and would result in an unsustainable form of development. As such the development would be contrary to policies AW1, AW2 and AW9 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed extension and residential conversion would result in a detrimental impact on the character of the area which is identified as a Special Landscape Area. As such the development would be contrary to policies AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan.
3. The access lanes leading to the proposed development are sub-standard in terms of highway geometry, forward visibility and structural integrity to cater for the additional traffic generated by the proposed development that would create further hazards to the detriment of highway safety and free flow of traffic. As such the development would be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
4. The access lacks adequate visibility at its junction with Heol Ddu to serve the proposed development and any intensification of use would create

additional traffic hazards to the detriment of highway safety. As such the development would be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The use of private vehicles as the only mode of transport to and from the proposed development site would result in the site being un-sustainable in terms of national advice and policy on transport. As such the development would be contrary to policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/0895/10 (GW)
APPLICANT: Mr P R Pope
DEVELOPMENT: Two detached houses.
LOCATION: LAND AT HEOL-Y- BEILIAU, LLANTRISANT, CF72
8ES.
DATE REGISTERED: 23/09/2013
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: Refuse

REASONS:

The site is located outside the settlement boundary where the principle of new residential development is unacceptable. Its development for housing would have a detrimental visual impact on the setting of Llantrisant Conservation Area and on a Special Landscape Area. The proposed access would generate highway safety issues and insufficient information has been submitted to assess the impact of the proposal.

APPLICATION DETAILS

Full planning permission is sought for the development of two houses on a field adjacent to the settlement of Llantrisant. Some existing stables would be removed as part of the proposal. The dwellings would be arranged perpendicular to Heol-Y-Beiliau and next to each other. The slope would be cut and filled to accommodate the development and retaining structures would be provided close to the rear and side boundary and for the lower ground garage.

The dwellings would be the same design as each other; three storeys at the front and two storeys at the rear. The lower ground would provide a garage area with the living accommodation and five bedrooms for each house on the floors above. A

decking area at the front would be provided over the garage with steps down to ground floor level. The first floor windows would be floor to ceiling size with 'Juliet style' balconies. Each dwelling would measure 14.2m in width, 12.5m in depth and with a maximum height of 10m. The elevations would be finished with natural stone at lower ground level and white render above and the roof would be covered with Redland Cambrian slates.

A new access to the site would be created through the existing stone wall. The plans detail the stone work from the existing wall would be used where possible. A cobbled surface to match the street is detailed in the 'entrance apron' area.

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

The application site is part of a sloping field located on the fringe of the old historic settlement of Llantrisant and on the western side of Heol-Y-Beiliau. This is a steep cobbled street with dwellings lining its eastern side. The dwellings on the eastern side form a tight compact group forming part of the lower part of old historic hill town of Llantrisant. To the south of the site, Heol-Y-Beiliau links to narrow streets which zig zag down the hillside. Off these streets is a less dense form of housing development with mainly detached dwellings. The dwelling located immediately to the south of the site is single storey with the rear built into the hillside.

A row of tall conifer trees are located on the boundary to the application site. To the north of the site is a rough area of grassland, between the site and a traditional terrace (Heol-Y-Graig), which is at a much higher level to the site. Part of this area is evidently being used as amenity space for local residents. To the west of the remainder of the field is the open hillside. A public footpath extends from Heol y Graig around the contour of the hill side and to the open hill side land.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised via direct neighbour notification and site notice. Eighteen letters including a petition signed by 330 people objecting to the proposal have been received and the contents are summarised below:

- This is the most strictly protected cobblestone road in this historic town.
- The proposal would result in the destruction of a field adjacent to Graig Common.

- The land above the site has historically been used as allotments.
- The existing use as a paddock for horses provides enjoyment for the people.
- If allowed it would lead to pressure for more housing.
- The field is a hunting ground for barn owls, kestrels and bats. Its home to adders, slow worms and lizards, willow warblers, green woodpeckers and redwings in season. Butterflies, moths, dragonflies and damsel flies feed and hunt here.
- These small fields characterise Llantrisant fringes and are important as open space.
- The wall is a character of the cobbled street and should not be used for access or demolished. The areas uniqueness would be lost.
- It would change the visual aspect of Llantrisant from long views and would result in urban sprawl.
- TV and film companies have filmed on the street and this income would be lost if permission were granted.
- Access is steep and narrow and it is impossible to turn around or reverse back.
- Construction vehicles could damage cars parked on the hill and the cobbles.
- Additional traffic from new properties and construction vehicles will cause an unacceptable disruption.
- It would strain an already overloaded drainage system.
- It would affect property prices.
- Increase in rubbish from properties could entice vermin into the area.

CONSULTATION

Countryside, Landscape and Ecology – the site has local ecological value and potentially could support species such as slow worms. Evidence from the public consultation exercise suggests the field is used by a number of species. On balance further information would be required to assess the ecological value.

Land Reclamation and Drainage – insufficient information has been submitted to assess potential impact in respect of flood risk management matters. A condition is recommended to obtain these details if permission were granted.

Public Health and Protection - no objection subject to conditions on hours of operation, noise, dust and waste.

Transportation Section - objects to the intensification of use of the sub-standard local highway network leading to the site which would create additional hazards to the detriment of safety of all highway users. The proposed access lacks adequate visibility, adequate turning areas and would generate extraneous traffic that would share a residential private access to the detriment of highway safety.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is situated outside but adjacent to the defined settlement boundary of Llantrisant. It is also adjacent (but outside) the area identified as Llantrisant Conservation Area. The site is unallocated and is identified as being part of the Llantrisant Surrounds Special Landscape Area.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

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 AW7 – development impacting on sites such as conservation areas would only be permitted if it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

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

Policy SSA13 - promotes development within settlement boundaries.

Policy SSA23.5 – development within Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 22: Sustainable Buildings;
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

The site is located outside the defined settlement limits and policies in the adopted Local Development Plan do not generally support new housing in such locations. Policy AW1 only supports new housing within the settlement boundary and allocated sites and policy AW2 does not support housing development in this type of location, to protect the identity of settlements and protect the countryside from urbanisation and incremental loss. Therefore the principle of this development is contrary to local plan policies as it lies outside the settlement boundary in an unsustainable location.

Visual impact

With regard the visual impact, part of the site and surrounding fields are included within the Local Development Plan designated Special Landscape Area (SLA), 'Llantrisant Surrounds'. Its key qualities relevant to this application are identified as the conservation of the historic hill town and irregular field patterns. The proposal would result in the loss of some of these qualities and increase the urban area of the town. The site is also adjacent the Llantrisant Conservation Area which includes the cobbled street of Heol-Y-Beiliau and also it could be argued the stone wall bordering the site. Although some development is acceptable in conservation areas policy AW7 of the local plan requires the qualities of the areas to be preserved or enhanced. Although it is proposed to retain a large section of the wall and re-use some stone in the new access; the loss of a section of the stone wall and development of a large vehicle entrance apron and associated dwellings would have a detrimental visual impact on the historic setting of the Conservation Area. Therefore it is considered the development would result in a detrimental visual impact on the qualities of the Special Landscape Area and the setting of Llantrisant Conservation Area.

Highway safety

The proposal is to create a new access off Heol-Y-Beiliau by partially demolishing the front wall and rebuilding it around an access. Sufficient parking could be provided for the two dwellings on the site. Notwithstanding this, an objection has been raised by the Transportation Section. They state the existing access road is steep and severely sub-standard and an intensification of its use would result in highway safety issues. In addition, it is considered the proposed access lacks

adequate visibility, turning space for visitors and would encourage the use by non-residential vehicles to access the fields beyond. With regard to the final issue, whilst it is appreciated the applicant may own this land and his intention is to live in one of the houses; it would be difficult to stop this situation arising at a future point, if the land or property was sold on. Therefore it is considered the development would result in highway safety issues for the reasons above.

Ecology

Another issue to consider is the impact on ecology and whether the site has any habitable value; for example the former stable block. A number of objectors have also pointed out that the field is hunting ground for barn owls, kestrels and bats and is home to a number of species including adders, slow worms, woodpeckers, butterflies, dragonflies and bees. The Council's Ecologist has suggested due to the objector's correspondence and unknown value of the site, further information would be required to assess the ecological value.

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:

Residential amenity

With regard to the impact on residential amenity, the main impact would be to the dwelling at a lower level to the site. There is however a substantial boundary hedge and the dwelling is constructed close to the back of the slope. As such there would be no significant impact from overlooking.

Drainage

One objection letter has pointed to the drainage system being overloaded in the area. No objection has been received from either Welsh Water or the Council's Land Reclamation and Engineering section. As such this issue could be acceptable.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues, if permission were to be granted.

Conclusion

The application is considered not to comply with the relevant policies of the Local Development Plan in respect of the principle of development, visual impact and highway safety (policies AW1, AW2, AW5, AW6, AW7, AW8 and SSA23).

RECOMMENDATION: Refuse

1. The site is located outside the defined settlement boundary of the Rhondda Cynon Taf Local Development Plan and has not been justified as an exception. As such the proposal conflicts with policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan as it would amount to an unwarranted intrusion of residential development into the countryside.
2. The development by reason of its siting adjacent the boundary of Llantrisant Conservation Area and within a Special Landscape Area would have an adverse effect on the visual appearance of the area as a whole. As such the development would be contrary to policies AW5, AW6, AW7 and SSA 23 of the Rhondda Cynon Taf Local Development Plan.
3. The proposed additional use of the sub-standard access leading to the site would create increased traffic hazards to the detriment of safety of all highway users. As such the development would be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
4. The proposed access lacks adequate visibility for vehicles emerging from the site, which would create hazards to the detriment of safety of all highway users. As such the development would be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
5. The proposed private shared access lacks an adequate shared delineated turning area to cater for vehicular turning movements to and from the site and would therefore create hazards to the detriment of highway and pedestrian safety. As such the development would be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
6. The proposed development would generate extraneous traffic that would share a residential private shared access to the detriment of safety of all highway users. As such the development would be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.
7. Insufficient information has been submitted to enable the Local Planning Authority to assess the ecological impact of the proposal. As such the development would be contrary to policy AW8 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

7 NOVEMBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

**MR. J. BAILEY
(Tel: 01443 425004)**

See Relevant Application File