

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

6 MARCH 2014

**JOINT REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES AND
SERVICE DIRECTOR, PLANNING**

Agenda Item No.4(v)

**SITE MEETING
APPLICATION NO. 13/1282 – OUTLINE
PLANNING PERMISSION FOR 9 NO.
DETACHED DWELLINGS WITH OFF
ROAD PARKING, NEW ROAD LAYOUT
AND ASSOCIATED WORKS – LAND
ADJOINING NO.15 (NORTH WEST) OF
TREM Y DUFFRYN, MOUNTAIN ASH**

**Author: Mrs.Z.Maisey, Principal Officer, Committee Services
Mrs.M.Wyatt, Development Control Officer**

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To refuse the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.181(2) (Development Control Committee, 6 February 2014) a site inspection was undertaken on Monday, 17 February 2014 to consider planning and ecology issues concerning the proposed development.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald and D.Weeks respectively) and County Borough Councillor P.Jarman.

- 3.3 Members inspected the site and were informed by the Development Control Officer that planning permission was being sought in outline for the erection of nine dwellings with all matters reserved for future consideration. The application was recommended for refusal as it was considered to have a detrimental impact on the rural character of the area as a result of the loss of a significant amount of trees on the site damaging the open, vegetated character of the area. There was also a lack of information in support of the application in relation to the impact of the proposal on bats in the area.
- 3.4 It was noted that the site was part of a Tree Preservation Order area which was identified in 1983 as being worthy of protection and it was considered that the removal of trees to enable the proposed development of the site would be to such a degree that it would have an unacceptable harmful impact on the character and appearance of the area.
- 3.5 It was also noted that the Countryside, Landscape and Ecology Section had raised concerns regarding the impact of the development on trees, bats and the potential presence of Japanese Knotweed on the site.
- 3.6 Reference was made to the applicants Ecology Report which recommended that no new or artificial lighting of the trees or woodlands should accompany development which would seem to be an unachievable objective given the layout proposals. Having regard to the recommendations made in the applicants Ecology Report, insufficient information has however been submitted by the applicant to show how the potential light impact on bats will be appropriately mitigated. within the development proposal. The Local Member highlighted the fact that the application site backed on to sports pitches which were illuminated by floodlights that currently light-up the wooded area.
- 3.7 The Local Member also questioned the presence of Japanese Knotweed at the site as nothing was visible. In response, the Development Control Officer stated that although currently no Japanese Knotweed could be viewed, it was believed that there was a history of the site being infested with this invasive species. The applicant confirmed that treatment had been carried out in the past.

4 ADDITIONAL APPLICATION DETAILS

- 4.1 The applicant has submitted a statement in response to the original Committee report and a bat roost assessment sheet for standing trees, carried out by the applicant's Arborist.

5 PUBLICITY

5.1 A letter from the residents of Trem-y-Dyffryn was received at the site visit which is summarized as follows:

- Details the history of the estate involving the residents association who have worked together to try to get the services on the site adopted by the relevant responsible bodies.
- The letter specifically refers to the involvement of Welsh Water in relation to the pumping station which is situated at the end of the cul de sac and whether it will be adopted.
- The adoption of the pumping station has been stalled due to an area of unregistered land which is now in the control of the applicant for application 13/1282.
- The Residents Association are of the view this could be of benefit to the residents and may encourage the adoption of the pumping station.
- Residents have no objections to the proposed development.

5.2 In response to the comments raised by the local residents, there is no suggestion that the proposed development would resolve the ongoing problems being experienced with the unadopted pumping station at the end of the cul de sac. It is not considered that this possibility outweighs the concerns regarding the impact of the proposed development on trees in the area and the potential impact on the ecology of the site.

6 UPDATED REASONS FOR REACHING THE RECOMMENDATION

6.1 The applicant's comments in his written statement are noted, however it is not considered that they overcome the concerns regarding the impact of the proposed development on the trees within the site boundary.

6.2 Where the applicant's written statement states that 'there are no bats' to be affected by lighting, that statement is not supported by the Ecology Report, which states that '*during the dusk roost emergence and bat activity survey, relatively high levels of feeding activity were noted over and among the trees at the site margins, this included common and particularly soprano pipistrelle bats in particular, with social calls between these bats noted. A high level activity by whiskered/Brandts (Myotis) bat was also noted and a Noctule bat was also recorded feeding along the south corner. Another myotis bat, possibly a natters and a long-eared bat were also briefly recorded*'. That statement which is based on activity work last year confirms the presence of different species of bats in different numbers using the planning application site and its immediate area.

6.3 Furthermore the Ecology Report submitted with the application states that '*there should be no new or additional artificial lighting of the trees and*

woodland surrounding the site, which are used as bat flight lines by foraging and commuting bats, lighting required within the Site should be designed and directed to avoid spill onto these areas'. No evidence has been provided in support of the application to show that the positioning of street lighting proposals has incorporated the types of design and mitigation measures needed to address the issues of concern raised in the Abbey Saunders Ecology Report.

- 6.4 The information contained in the bat roost assessment sheet is acknowledged, however it has not been reviewed by an ecologist. Given the earlier Bat assessment by Abbey Saunders Ecology and her conclusion that tree T16 is considered likely to contain a bat roost (page 26) the Bat Roost Assessment Sheet for Standing Trees needs to be reviewed by an appropriately experienced ecologist. As such the bat considerations are not yet concluded.
- 6.5 In terms of the effect of the proposal on the character and appearance of the area, it is considered that the proposed development of the site for nine dwellings will have a detrimental effect on the character of the site as an attractive vegetated buffer between the Cenotaph to the north of the site, the playing fields to the south and the existing housing estate to the southeast. The development of nine detached dwellings will have a significant impact on several trees on the site and result in their removal to accommodate the development or through development pressure in the future.

APPENDIX 1

APPLICATION NO: 13/1282/13 (MJ)
APPLICANT: Mr S Butts
DEVELOPMENT: Outline planning permission for 9 no. detached dwellings with off road parking, new road layout and associated works.
LOCATION: LAND ADJOINING NO.15 (NORTH WEST) OF TREM Y DUFFRYN, MOUNTAIN ASH, CF45 4AQ.
DATE REGISTERED: 05/12/2013
ELECTORAL DIVISION: Mountain Ash East

RECOMMENDATION: Refuse

REASONS

The proposal will have a detrimental impact on trees in a TPO area (no 2: 1983) and the ecology of the area and will not support the policies of the Rhondda Cynon Taf Local Development Plan in protecting the natural environment.

APPLICATION DETAILS

Planning permission is sought in outline for the erection of nine dwellings.

The application is made in outline with all matters reserved for future consideration. In accordance with the requirements of the General Permitted Development (Amendment) Order (SI 20089 No. 2336 (W.199)) information regarding the access, footprint and height of the proposed development has also been received as part of the Design and Access statement. These range from:

Width: 9m (min) to 10m (max)
Depth: 9m (min) to 10m (max)
Height: 8.3m (min) to 9m (max)

The proposal is to erect 9 detached dwellings. The design and access statement states that it is the developer's intention to erect dwellings of a similar scale to the properties of Trem-y-Dyffryn.

Access to the site will be directly off Trem-y-Dyffryn. An indicative plan shows an access road with the dwellings fronting in, replicating the layout seen throughout the existing housing estate.

An earlier application for outline consent for two detached dwellings has been approved on a part of the site (ref: 12/0791), directly adjacent to no.15 Trem-y-Dyffryn. These two previously approved plots are included in the current application.

SITE APPRAISAL

The application site is outside the settlement limits of Mountain Ash, and shares a boundary with the settlement limit. The application site is a vacant area of land to the northwest of the existing residential estate of Trem-y-Dyffryn. The site is irregular in shape and is part of a Tree Preservation Order (TPO) Area. The site slopes upwards towards the northwest and contains several mature and younger trees across the site.

Trem-y-Dyffryn is a relatively modern estate consisting of detached dwellings. The estate is surrounded by mature vegetation to the north and playing fields to the south and west.

PLANNING HISTORY

Previous relevant planning applications that have been made on this site are as follows:

12/0791/13	Land adjacent to 15 Trem Y Duffryn, Mountain Ash,	Outline planning for 2 No. detached dwellings with off road parking.	Grant 11/12/2012
06/0794	Land to the west of Dyffryn Road, Mountain Ash.	Proposed pumping station (re-located to meet Welsh Water requirements for adoption)	Grant 14/11/2006

PUBLICITY

The application has been advertised by a press notice, direct neighbour notification and site notices. No response has been received.

CONSULTATIONS

Transportation Section – no objections subject to conditions and payment of transport tariff.

Public Health and Protection – no objections subject to conditions.

Countryside, Landscape and Ecology – raise concerns regarding the impact of the development on trees, bats and the presence of Japanese Knotweed on the site.

Comments in relation to the ecology report are as follows:

- The Ecology Report identifies that three oak trees at the eastern end of the Site, T16, T17 and T18 are particularly notable and identifies that at least one of these may qualify as a 'veteran tree' meeting criteria for SINC status. The Report considers that a bat licence will be needed if T16 is removed.

Comments in relation to trees identified in the tree survey for felling are as follows:

- T7 is a mature tree in fair condition and could be retained to provide collective group value along with T6 within G2.
- T8 is a dead but large old Oak that and has been identified as a potential wildlife habitat. Any reduction in height would reduce the potential danger of falling dead limbs, although in an enclosed woodland setting which has no public access this type of tree will naturally decay and decompose in situ.
- T10 – T15 this regenerative group of wet woodland tree cover is described as in fair to good condition and acts as a buffer between boundaries. For that reason it is of no benefit to the Local Authority land which is adjacent to the site that this should be felled, as suggested in the survey.
- T19 – T21 Sycamore, Ash and Willow/Alder - These form part of the group of trees along the boundary and are considered of benefit and an extension to the Local Authority woodland adjacent to them.
- The trees within have boundary screening value from the playing fields and route to school, the area of trees within G3 and the north eastern edge are buffer protection for the greater woodland beyond. The woodland beyond also has mature and very tall trees which may be affected by any development in this area, this would need to be assessed for the safe distance of development from large trees. More immediately the effect of any tree clearance would be felt by neighbouring woodland trees, wind blow is often the result of such activity along woodland edges.

Land Reclamation and Engineering – no objections subject to conditions.

Housing Strategy – no objections.

Welsh Water/ Dwr Cymru – no objections subject to conditions.

South Wales Fire and Rescue – no objections subject to adequate provision of water supplies to the site and access for emergency vehicles.

POLICY CONTEXT

The principal policies in the consideration of this application are as follows:

Local Plan

Rhondda Cynon Taf Local Development Plan

Policy CS1 – promotes the building of strong sustainable communities.

Policy CS4 – Housing Requirements.

Policy AW1 – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

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 NSA12 - refers to development within and adjacent to Settlement Boundaries.

National Guidance

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

The following Planning Policy Wales Chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

Chapter 4 (Planning for Sustainability),
Chapter 5 (Conserving and Improving Heritage and the Coast),
Chapter 8 (Transport),
Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature and Planning;

PPW Technical Advice Note 10: Tree Preservation Orders;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

The site is outside of but adjacent to the settlement boundary of Mountain Ash where the principle of residential development of up to 10 dwellings can be considered acceptable subject to certain criteria. As detailed above, the scheme seeks to provide nine dwellings the full details of which are reserved for future consideration. The site is within a TPO area and contains several different trees of varying types, ages and conditions.

The key considerations in this case are whether the proposed development will have an acceptable impact on the character and appearance of the surrounding area, with particular regard to the TPO Area, the impact of the proposal on the ecology of the site, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

Character and Appearance of the Area

In terms of the effect of the proposal on the character and appearance of the area, it is considered that the proposed development of the site for nine dwellings will have a detrimental effect on the character of the site as an attractive vegetated buffer between the Cenotaph to the north of the site, the playing fields to the south and the existing housing estate to the southeast. The development of nine detached dwellings will have a significant impact on several trees on the site and result in their removal to accommodate the development, or through development pressure in the future.

The proposal is to continue the type of development of the current section of Trem y Dyffryn - a single spine road with housing plots on either side of the road. Although this was achievable with the existing development, the narrowing down of the site area, alterations to the ground levels coupled with the close proximity of woodland of the neighbouring open space will have an impact on the landscape and the visual amenity of the area. The current proposed development will bring residential properties in close proximity to Dyffryn Woods and the Mountain Ash/Cefn Pennar War Memorial which will intrude on the setting of the space.

Trees

The application site is part of a Tree Preservation Order which was identified in 1983 as being worthy of protection. It forms the south westerly edge of a mature woodland known as 'Duffryn Woods'. The trees along this and most woodland peripheries have an important collective landscape value and represent an important woodland habitat which forms an integral part of that local ecosystem.

It is not considered that the landscape and woodland value of the trees in this TPO area have been given enough weight in the consideration of the density of the development and therefore the potential layout. It is not considered that, with the development of nine dwellings, the safe distance of development from mature and tall trees, particularly having regard to the amount of ground works being proposed, can be successfully maintained.

Residential developments adjoining woodland tend to develop problems for residents in the future as a result of the close proximity of trees causing shading, damp and potentially structural risk to property. The number of dwellings proposed would inevitably lead to the removal of the majority of the trees and the review and possible revocation of this area of TPO which is considered unacceptable given the amenity value it offers to the setting and visual amenity of the area.

It is considered that the removal of the trees in order to enable the proposed development of the site would be to such a degree that it would have an unacceptable harmful impact on the character and appearance of the area, contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Ecology

The Ecology Report identifies relatively high levels of bat activity of several species. It has identified a potential bat roost in several trees and recommends them for retention. On the basis of the Ecology Report, it is considered that these trees should be retained

The housing layout for the nine properties doesn't take any meaningful account of the ecological assessment or recommendations of the Ecology Survey work. The layout proposal will involve the loss (either directly or subsequently) of all the mature trees within the site boundary and will further compromise trees growing outside the site (including trees within SINC 37). It is considered that given the existing value of the mature trees within and adjacent to the site, the current application has an unacceptable impact on mature trees and their ecological value particularly as bat habitats.

The Ecology Report also recommends that no new or artificial lighting of the trees or woodlands should accompany development, this would seem to be an unachievable objective given the layout proposals. Having regard to the

recommendations made in the ecology report, insufficient information has been submitted to assess the potential light impacts on bats.

It is considered that the development of the site for nine dwellings will have a detrimental impact on the mature trees both within and adjacent to the site, and the further impacts on potential bat roosts and bat foraging habitat. It is considered that nine dwellings is too many having regard to the environmental constraints of the site and there will be an unacceptable ecological impact should the proposal proceed.

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.

With regards to the impact on neighbouring residential amenity, it is considered that the proposed development will have an acceptable impact and the site is capable of being developed in a way that will not have a harmful effect on the residential amenity of existing residents of Trem-y-Dyffryn.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjoining and adjacent to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

With reference to parking and access issues, the Council's Transportation Section has considered the information submitted with the application and have raised no objections subject to conditions. It is considered that the site could be developed without having a detrimental impact on highway safety.

Japanese Knotweed is a non-native invasive plant that has the ability to cause structural damage to property. It should be noted that mortgage providers are very reluctant or will refuse to offer a mortgage if Japanese Knotweed is present within the area of development. It should also be noted that the weed does not have to be within the property to trigger a refusal of a mortgage. Although a recent site inspection did not reveal any Japanese Knotweed on the site, it is believed that there is a history of the site being infested with the weed. If the weed is still present the developer will need to formulate a strategy to ensure that it does not compromise the development. This should involve working up a strategy to remove all growth from the site and prevent its re-establishment.

Any future developer should be aware of their responsibilities in accordance with legislation.

Conclusion

The development is considered to have a detrimental impact on the rural character of the area as a result of the loss of a significant amount of trees on the site damaging the site's open, vegetated character.

There is also a lack of information in support of the application in relation to the impact of the proposal on bats in the area.

The proposal is therefore considered to be contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Refuse

1. The proposed development of the site for nine dwellings would result in overdevelopment of the site leading to extensive tree removal in a TPO area that would lead to a development which would present an incongruous feature poorly related to the surrounding area. The resulting development would be detrimental to the character and visual amenity of the area contrary to policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.
2. Insufficient information has been submitted in relation to European Protected Species to enable an assessment of the potential impact of the proposed development on bats. The proposal is therefore considered to be contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

6 MARCH 2014

**JOINT REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES
AND SERVICE DIRECTOR, PLANNING**

SITE MEETING

**APPLICATION NO. 13/1282 – OUTLINE PLANNING PERMISSION FOR 9 NO.
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Minute No.181(2) (Development Control Committee, 6 February 2014)

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