

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE**

**4 SEPTEMBER 2014**

**REPORT OF THE  
DIRECTOR LEGAL AND  
DEMOCRATIC SERVICES**

**Agenda Item No.3**

**SITE INSPECTION  
APPLICATION NO.14/0376 – ERECTION  
OF A BUNGALOW (AMENDED PLANS  
RECEIVED 04/07/2014) – LAND  
ADJACENT TO NO.14 CAEMAWR  
TERRACE, PENRHIWFER**

**Author: Mrs.Z.Maisey, Principal Officer, Committee Services**

**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.46(2) (Development Control Committee, 7 August 2014) a site inspection was undertaken on Monday, 18 August 2014 to consider the site of the proposed dwelling in relation to the settlement boundary.

3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B.McDonald and W. D.Weeks respectively) and Committee Members - County Borough Councillors G.Smith, (Mrs) M.Tegg, (Mrs) J.S.Ward and E.Webster. Non-Committee/Local Member, County Borough Councillor (Mrs) E.Hanagan, was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors (Mrs) L.De Vet, M.Griffiths, P.Jarman, G.Stacey, G.Thomas and P.Wasley.
- 3.4 Members viewed the application site and the Development Control Officer outlined the proposal. He stated that Outline planning permission was being sought to construct a single storey dwelling of a significant footprint with associated retaining wall structures with all matters concerning access, appearance, landscaping, layout and scale being reserved for future consideration. The applicant had indicated that the dwelling would accommodate three bedrooms and associated living accommodation and an off-street parking area would be created alongside the southern side of the dwelling with vehicle access to the site being achieved off Caemawr Terrace.
- 3.5 The application site is an area of undeveloped open hill side and owing to its sloping topography, Members noted that retaining wall structures would be required to develop the site although no detailed topological survey or proposed sections had been provided with the outline planning application. A culvert and water channel was located at the northern side of the site.
- 3.6 The Development Control Officer stated that it was considered that the proposal to extensively develop and intrude into the existing hill side to accommodate a dwelling of the dimensions and design required would mark an unwelcome and intrusive form of development that would significantly alter the existing character and appearance of the site.
- 3.7 The application also lacked sufficient information to determine the ecological implications of the proposed development.
- 3.8 The Development Control Officer confirmed that the majority of the application site, including where the dwelling would be sited, was outside the defined settlement boundary and only a linear strip to the front of the site was actually inside the settlement boundary. On the basis of the details submitted, the dwelling would be sited outside the settlement boundary and given the potential practical difficulties of siting a dwelling, associated access, parking and amenity space within the area of land sited within the settlement boundary, the proposal does raise an in principle policy objection.
- 3.9 Non-Committee/Local Member (County Borough Councillor (Mrs) E.Hanagan) stated that she wanted the Committee Members to view the application site to have a better understanding of its relationship to the settlement boundary which had now been clarified by the Development Control Officer. County Borough Councillor Hanagan felt that the

proposed development would enhance the area but recognized that the majority of the application site was outside the settlement boundary.

- 3.10 Members were informed that the application was not supported in principle by the Service Director, Planning as the proposed dwelling would be outside the settlement boundary, the loss of the green space and level of engineering likely to be required to accommodate a dwelling on the site also raised visual concerns and limited information had been submitted to determine the likely implications of the proposal on the ecological value of the site.

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**APPENDIX 1**

**APPLICATION NO:** 14/0376/13 (LE)  
**APPLICANT:** Mr A Taylor  
**DEVELOPMENT:** Erection of a bungalow (amended plans received 04/07/2014)  
**LOCATION:** LAND ADJACENT TO NO. 14 CAEMAWR TERRACE, PENRHIWFER, TONYREFAIL.  
**DATE REGISTERED:** 04/07/2014  
**ELECTORAL DIVISION:** Tonyrefail West

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**RECOMMENDATION:** Refuse

**REASONS:**

The application cannot be supported in principle as the proposed dwelling would be outside the settlement boundary. The loss of the green space and level of engineering likely to be required to accommodate a dwelling on the site also raises visual concerns and limited information has been submitted to determine the likely implications of the proposal on the ecological value of the site.

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**APPLICATION DETAILS**

Outline planning permission is sought for the construction of a detached bungalow on a plot of land situated adjacent to no. 14 Caemawr Terrace, Penrhiwfer. All matters have been reserved for future consideration (access, appearance, landscaping, layout and scale).

In accordance with the requirements of the General Permitted Development (Amendment) Order a number of illustrative plans accompany the current submission. The submitted layout and elevation plans illustrate a single storey dwelling would be positioned broadly within the centre of the sloping plot. It is also indicated retaining wall structures would be required given the sloping topography of the site, although no detailed topographical survey or proposed sections have been provided with the outline planning application. It is indicated the dwelling would accommodate three bedrooms and associated living accommodation. An off street parking area would be created alongside the southern side of the dwelling with vehicle access to the site being achieved off Caemawr Terrace.

Whilst details of the scale and appearance of the dwelling are both matters reserved for future consideration, it has been indicated that the dwelling would have a:

Minimum - maximum length of 12.5 metres - 16.0 metres

Minimum - maximum depth of 10.0 metres - 11.0 metres

Minimum - maximum height of 5.0 metres - 6.5 metres.

The planning application is accompanied by a Design and Access Statement.

The application is reported to the Development Control Committee at the request of Councillor Eudine Hanagan to consider the relationship of the application site to the settlement boundary.

### SITE APPRAISAL

The application site consists of a sloping parcel of land situated on the western side of Penrhiwfer Road, Penrhiwfer. The irregular shaped application plot covers an area of approximately 1130 square metres with a maximum length of 75 metres and maximum depth of 33 metres. The plot sits at the bottom of the relatively undeveloped mountain side (Mynydd Penygraig) and benefits from various planting and vegetation cover. The 'green space' rises significantly from the level of the vehicular highway positioned to the front of the site. A small strip of land, immediately adjacent to the pavement fronting the site is owned by the Council and falls outside the boundaries of the application site. Toward the northern side of the site is a small culvert and water channel. An informal parking space adjoins the very northeastern corner of the site directly abutting the highway. A narrow highway runs toward the southern boundary of the site, giving access to the rear of properties along Caemawr Terrace.

### **PLANNING HISTORY (most recent)**

92/0835	Land off Penrhiwfer Rd, between Caemawr Terrace and Mericks Cottages, Penrhiwfer, Tonypandy	One dwelling	Refused 15/01/93
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### **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notice. No objections or representations have been received.

### **CONSULTATION**

Land Reclamation and Engineering - raise no objection, it is advised there is a watercourse within the boundaries of the site and as such several drainage conditions are suggested to ensure the appropriate drainage of the site and ensure the development does not increase flood risk.

Dwr Cymru/Welsh Water - raise no objection, subject to the imposition of conditions regarding the drainage of the development.

Public Health and Protection - raise no objection, subject to a condition controlling the hours of operation during the construction.

Structural Engineer - highlights any approved consent should be conditioned to ensure the submission of retaining wall details/structural calculations and the submission of a ground investigations report to cover past mine workings that may affect the site.

Transportation Section - raise no objection, subject to conditions.

Corporate Estates - advise a small area of land to the front of the site is owned by the Council (the red line boundary of the application site does not include this area).

Natural Resources Wales - recommend the undertaking of an ecological survey of the development site, given the sizeable application site contains areas of semi natural habitat, is well connected to the wider landscape beyond and as a result could support habitats and species of ecological value. The current submission is lacking any supporting ecological information.

Countryside Landscape Ecology - highlights the need for the applicant to undertake specific ecological survey work given the characteristics of the site.

## POLICY CONTEXT

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

The application site is situated within the Southern strategy area and is, in the main, situated outside the defined settlement boundary. A broadly linear strip to the front of the site is positioned within the settlement boundary although the proposed siting of the dwelling is outside the settlement boundary.

**Policy CS2** – the emphasis in the Southern Strategy Area will be on sustainable growth that benefits the Borough as a whole. This will be achieved (amongst others) by protecting the culture and identity of communities by focusing development within defined settlement boundaries.

**Policy AW1** - defines the housing land supply, to be met from sources that do not include unallocated land outside settlement boundaries.

**Policy AW2** - seeks to ensure that proposals on non-allocated sites are developed in sustainable locations; sustainable locations being defined (amongst others) as sites within the defined settlement boundary in the Southern Strategy Area.

**Policy AW5** - sets out the appropriate amenity and accessibility for new development.

**Policy AW6** - supports and encourages a high level of design for new development.

**Policy AW8** - advises that RCT's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW10** - Environmental Protection and Public Health.

**Policy SSA13** - Permits housing development within settlement boundaries.

### **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.

Planning Policy Wales Chapter's 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

### **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 development**

Outline permission is sought for the erection of a detached single dwelling on the western side of Penrhiwfer Road, Penrhiwfer.

The majority of the application site, including where the dwelling would be sited, is outside the defined settlement boundary and as such the proposal represents development that is contrary to Policy AW2 of the Rhondda Cynon Taf Local Development Plan that seeks to ensure new development is sited within sustainable locations; sustainable locations being identified as sites within the defined settlement boundary (within the Southern Strategy Area).



It is noted a portion of the front of the site, in the form of a broadly linear strip ranging between 1 - 7 metres, is inside the settlement boundary. Nevertheless, on the basis of the details submitted the dwelling would be sited outside the settlement boundary and given the potential practical difficulties of siting a dwelling, associated access, parking and amenity space within the area of land sited within the settlement boundary, the proposal does raise an in principle policy objection.

It is further acknowledged that the site is positioned within the Southern Strategy Area as defined by the Local Development Plan where residential development that is outside the settlement boundary although adjoining the settlement boundary is not supported (unlike in the Northern Strategy Area where such a proposal would not raise a policy objection).

In summary, the principle of the development in this instance is not supported by the provisions of the Local Development Plan.

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

In terms of visual appearance, whilst noting the outline nature of the application, the submitted plans indicate it is intended to construct a single storey dwelling of a significant footprint with associated retaining wall structures. The application site, although positioned alongside Penrhiwfer Road, appears to form part of the open hillside that surrounds the built form of Penrhiwfer and has a positive visual value.

The proposal to extensively develop and intrude into the existing hillside to accommodate a dwelling of the dimensions and design detailed would mark an unwelcome and intrusive form of development that would significantly alter the existing character and appearance of the site. Whilst limited cross sections/level surveys have been submitted with the outline proposal the obvious rising topography of the site would result in a prominent and overly contrived form of development given the need to engineer and construct retaining walls across the site to accommodate a dwelling. The development would effectively result in an unacceptable intrusion into the valley slope that currently forms a pleasant visual backdrop to the built form of the area.

In summary, the proposal is considered to represent an insensitive form of development that would look out of place and appear visually harmful to the existing character and appearance of the site.

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

Turning to the impact of the proposal on the existing levels of residential amenity and privacy currently enjoyed by neighbouring properties, there are no objections

raised against the scheme in this regard. On the basis of the submitted site layout plan it is considered a dwelling could be accommodated on the plot whilst retaining an appropriate offset from the nearest neighbouring properties. Given the offset between the proposed siting of the dwelling and the principal elevations of the nearby terraced properties to the south and Cae Mawr cottages to the north, it is not likely to have any direct overbearing or overshadowing impact. Furthermore, no objections against the scheme have been raised following the neighbour consultation process. It is therefore considered the site could potentially accommodate a dwelling without causing undue harm to existing levels of residential amenity enjoyed in the area.

### **Access and highway safety**

The Transportation Section has raised no objection against the proposal. It is commented that access to the site is off Caemawr Terrace (via Penrhiwfer Road). No pedestrian footway exists along the section of Caemawr Terrace leading to the application site from Penrhiwfer Road, and as such pedestrians would have to share the same surface as moving motor vehicles which is of some concern. A condition would therefore need to be attached to any approved consent to ensure a 2.0 metres wide footway and associated vehicle crossing is provided along the southern boundary of the site. Further conditions to ensure an appropriate level of off-street parking, the provision of wheel washing facilities and restrictions on delivery times for large construction vehicles are also suggested, should planning permission be granted.

### **Ecology**

Comments raised by both the Councils Ecologist and Natural Resources Wales highlight the ecological potential of the site and further information should be submitted to determine the full importance of the application site and the likely effects of the scheme in this regard. At this stage, insufficient information has been submitted with the application to determine the likely ecological implications of such a scheme.

### **Other Issues**

Following consultation with the Council's Public Health and Protection Division and the Councils Structural Engineer no adverse comments have been raised against the scheme. Comments of the relevant drainage bodies also raise no objection against the scheme. Whilst the position of a water course on the northern fringes of the site has been acknowledged, standard drainage conditions are suggested, should planning permission be granted, that would ensure the satisfactory drainage of the development and ensure the scheme raises no flood risk issues.

## CONCLUSION

The application fails to accord with the key requirements of planning policy representing a proposal that cannot be supported in principle given its siting outside the defined settlement boundary. Although submitted in outline with all matters reserved, the information submitted indicates the development of the site would also give rise to visual amenity concerns. The application also lacks sufficient information to determine the ecological implications of such a development proposal.

Refusal of the planning application is therefore recommended.

### **RECOMMENDATION: Refuse**

1. The proposed development represents unjustified development outside the settlement boundary and is therefore contrary to policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development, arising from its siting, scale and design, would constitute insensitive development that would be inappropriate and harmful to the existing character and appearance of the area. As such the proposed development is contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
3. Insufficient information has been submitted with the planning application to determine the likely impact of the development proposal on protected or priority species. As such, the scheme fails to accord with 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**

**4 SEPTEMBER 2014**

**REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES**

**SITE MEETING**

**APPLICATION NO. 14/0376 – ERECTION OF A BUNGALOW (AMENDED  
PLANS RECEIVED 04/07/2014) – LAND ADJACENT TO NO.14 CAEMAWR  
TERRACE, PENRHIWFER**

Minute No. 46(2) (Development Control Committee, 7 August 2014)