

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-215

**DEVELOPMENT CONTROL
COMMITTEE
2 APRIL 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 5
APPLICATION RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No. 14/1687 - Erection of Bungalow (resubmission) (revised ownership certificate received 27/2/15), land adjacent to 14 Caemawr Terrace, Penrhiwfer, Tonypany.

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APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 14/1687/13 (LE)
APPLICANT: Mr A Taylor
DEVELOPMENT: Erection of Bungalow (resubmission) (revised ownership certificate received 27/2/15)
LOCATION: LAND ADJACENT TO 14 CAEMAWR TERRACE, PENRHIWFER, TONYPANDY, CF40 1RZ
DATE REGISTERED: 27/02/2015
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: Refuse

REASONS:

The application is not acceptable in principle, as the proposed dwelling would be outside the settlement boundary. The loss of the green space and level of engineering required to accommodate a dwelling on the site also raises visual concerns.

Members are further advised that a similar residential proposal was refused planning permission at the site in September 2014, following a site visit by the Development Control Committee and no material considerations have been submitted that would justify a different decision being made.

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. Given the sloping topography of the site a number of retaining wall structures would need to be erected to accommodate the dwelling. The siting of the dwelling would be set back from the highway fronting the site. It is indicated that the dwelling would accommodate three bedrooms with associated living accommodation. It is also illustrated an off street parking area and detached garage would be created toward 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 - 13.0 metres
 Minimum - maximum depth of: 9.5 metres - 10.0 metres
 Minimum - maximum height of: 5.0 metres - 5.3 metres.

The planning application represents the resubmission of a similar outline proposal to develop a bungalow on the site, ref no: 14/0376/13. The earlier application was refused by the Council in September 2014, following a site visit by the Development Control Committee. The previous application was considered to represent unjustified development outside the settlement boundary and considered to represent insensitive development that would be inappropriate and harmful to the existing character and appearance of the area. Insufficient information was also submitted with the previous planning application to determine the likely impact of the development proposal on protected species.

The re-submitted planning application now under consideration is accompanied by a Design and Access Statement and an Ecology Survey. In comparison to the earlier refused scheme, the applicant has also reduced the proposed footprint of the dwelling and revised the siting of the dwelling closer to the highway fronting the site.

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 1300 square metres with a maximum length of approximately 75 metres and maximum depth of approximately 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 up from the level of the vehicular highway positioned to the front of the site; the applicants submitted topographical survey indicates the site rises from front to back, in areas, by approximately 7.0 metres. Toward the northern aspect of the site is a small culvert and water channel. An informal parking space exists toward the front, north-eastern 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. Flanking the north of the site are Caemawr Cottages that are screened from the application site by a mature hedge/tree line.

PLANNING HISTORY (most recent)

14/0376	Land adjacent to no. 14 Caemawr Terrace, Penrhiwfer.	Erection of a Bungalow	Refused 11/09/14
	Land off Penrhiwfer Rd,	One dwelling	Refused

92/0835 Between Caemawr
Terrace and Mericks
Cottages, Penrhiwfer ,
Tonypandy

15/01/93

Appeal Dismissed
14/07/93

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. One letter of objection and an identical letter of support that has been submitted by seven local residents have been received in relation to the scheme. It is noted no representations were raised by the public during the processing of the previously refused planning application at the site, ref no: 14/0376/13.

Letter of objection

The letter of objection received from no.1 Bryn Teg Cottages highlights:

- 'I strongly object to the erection of a bungalow directly opposite my property'
- Views of the valley and privacy levels have been enjoyed for the past 20 years which was a reason for previously moving to the area. Such a proposal would have a massive impact on the wellbeing of the objector.
- The land has always been used for the grazing of horses, sheep, lambs and goats and this has been enjoyed with no problems.

Letters of support

Seven identical letters of support have been signed and submitted by the residents of: 14 Caemawr Terrace, 3 Meyricks Row, 7 Meyricks Row, Rose Cottage, 5 Oakley Terrace, 2 Caemawr Cottage and Pen-y-Bryn Bungalow. The letters state:

- 'I have no objection to the proposed bungalow plot being developed as it is currently an eyesore which serves no purpose. The area harbours rats, litter and is basically just overgrown scrub land. A sympathetically designed bungalow would eliminate the afore mentioned problems, enhance the area and show Penrhiwfer to be a thriving community.'

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 phase.

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 at the front of the site is owned by the Council (the applicant has accordingly served the necessary notification on the Council as part of the planning application process).

Natural Resources Wales - raise no objections and welcome the Habitat/Ecology Survey undertaken for the site.

Countryside Landscape Ecology - highlight the Ecological Survey submitted for the development site is a competent and appropriate survey. Whilst the site has some local ecological value and it would be better to retain it, the report concludes the habitats present on site are not considered of such high ecological value that would justify refusing the application. A standard wildlife and habitat protection plan for construction condition is recommended should planning permission be granted.

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 narrow, broadly linear strip to the front of the site (ranging between 1 – 7 metres) is positioned within the settlement boundary. However, the proposed siting of the dwelling, with the exception of a small section of the front aspect of the building (on the basis of the submitted drawings), would be sited 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 the majority of the proposed dwelling building would be sited 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 predominantly sited outside the settlement boundary. Given the potential practical difficulties of siting all of the dwelling, the proposed garage, associated access, necessary retaining structures,

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 also 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).

It is further acknowledged the proposal represents the resubmission of an earlier refused scheme at the site. The applicant has submitted more detailed plans for the development, reduced the dimensions of the proposed bungalow building and indicated the dwelling building would be sited approximately 4 metres closer to the highway fronting the site than the earlier refused scheme. An Ecology Survey has also been submitted. However, despite the additional information submitted and the amendments undertaken, the principle of the development again cannot be supported as the development would result in development that encroaches beyond the settlement boundary into the countryside.

The Local Development Plan highlights that in the Southern Strategy to protect the countryside from urbanisation and incremental loss, development will not be permitted outside the defined settlement boundary. The proposal would result in development that is outside the settlement boundary and is therefore contrary to planning policy. Members are also reminded that prior to the refusal of the 2014 planning application, planning permission was previously refused to develop a dwelling on the site, both by the Council and by an Appeal Inspector, in 1992/1993 for the same reason (site outside the settlement boundary).

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 both the outline nature of the application and comments raised by local residents about the characteristics of the site, the submitted plans indicate it is intended to construct a single storey dwelling set back between 6 - 3 metres from the front highway. The indicative drawings highlight the dwelling would be sited on an engineered platform that would require the construction of a number of associated retaining wall structures both toward the front, side and rear of the dwelling building given the steep slope across the site. The existing site, although positioned alongside Penrhiwfer Road, appears to form part of the open hillside that surrounds the built form of Penrhiwfer and is considered to have a positive visual amenity 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. 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. Whilst noting existing properties, in a recessed manner flank the site, the visual characteristics of the site clearly have a strong link with the open countryside and hillside above rather than the adjacent built form, and this character should be maintained. The development however, 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 and surrounding area. This was the conclusion reached by Members following their site visit last year in connection with the previous application and there have been no change in circumstances since then.

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 has been letters submitted both in support and against the development as earlier detailed. It is however considered a dwelling could potentially be accommodated on the plot whilst retaining levels of residential amenity currently enjoyed in the area. An appropriate offset between the proposed siting of the dwelling and the nearest neighbouring properties could be maintained, and the scheme is not likely to have any direct overbearing, overshadowing or overlooking impact. As earlier detailed the development of the site does raise visual concerns, although it is considered such a proposal would not cause undue harm to existing levels of residential amenity currently 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.

Ecology

The Councils Ecologist and Natural Resources Wales have reviewed the Ecology Survey submitted with the application and do not raise any objections against the

development proposal. Conditions are suggested to appropriately mitigate the impact of the scheme in this regard, should planning permission be granted.

Other Issues

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

Public Health and Protection, Structural Engineer and Drainage

Following consultation with the Council's Public Health and Protection Division and the Council's 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.

Land Ownership

It is noted a small portion of the front of the application site is owned by the Council, although the applicant has correctly served the relevant notifications in this regard as part of the planning process. Ultimately the matter of land ownership would need to be resolved outside of the planning process.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but would be calculated for any reserved matters or full applications in the event that planning permission was approved.

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 concerns. It is acknowledged that following the earlier refusal decision, the applicant has addressed the ecology concerns with the site through the submission of an appropriate ecology report and also revised some aspects of the proposal. However, it still remains that the application is contrary to planning policy as it would result in an unacceptable encroachment into the countryside.

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.
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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

2 APRIL 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

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See Relevant Application File