

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**DEVELOPMENT CONTROL
COMMITTEE
20 JULY 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 8
	<p>APPLICATION N0: 13/1361 - ERECTION OF FOUR BUNGALOWS (ADDITIONAL ECOLOGICAL INFORMATION RECEIVED 26/03/15 AND 09/02/15 AND AMENDED PLANS RECEIVED 08/06/16 SHOWING REVISED SITE ACCESS, ADDITIONAL FOOTWAY ON GARTH WEN, RE-LOCATED TURNING HEAD AND REDUCED FRONT PATIO AREA TO PLOT 3). GARTH WEN, GARTH ROAD, TREALAW</p>

1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application.

2. RECOMMENDATION

That Members consider this report and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 6 April 2017 with a recommendation of approval. A copy of that report is attached as **APPENDIX A**. At that meeting, Members deferred the determination of the application to enable a site visit to take place to consider drainage, highways, structural issues and the impact of the development on the surrounding area. (Minute No. 163(1) refers).

The site visit took place on 30 May 2017 and the application was reported back to the Planning and Development Committee on 22 June 2017. A copy of that report is attached at **APPENDIX B**. At that meeting, Members were minded to refuse the application contrary to the recommendation of the Service Director, Planning because they considered the proposed development would have an adverse impact on neighbouring properties, particularly 'Highfields' by reason of overlooking and loss of privacy and also due to the disturbance resulting from vehicular movements to and from the site. It was therefore resolved that the matter should be deferred to the next

appropriate meeting of the Planning and Development Committee for a report from the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to the recommendation, prior to determining the matter (Minute No. 9(2) refers).

4. PLANNING CONSIDERATIONS

As outlined in the original report to Committee, the majority of the site is located immediately adjacent to the defined settlement boundary and the principle of allowing appropriate small scale housing development is acceptable under policy NSA 12, subject to compliance with other policy criteria. The proposed development is limited to 4 no. two and three bedroom bungalows and the proposed scheme is considered to make effective use of the land.

In respect of the adverse impact on neighbouring properties by reason of overlooking and loss of privacy, it should be noted that the new dwellings would be set back into the mountainside and at a higher level than existing properties and would be located approximately 12 metres from the boundary of the nearest dwelling ('Highfields'). Furthermore, the new access road will provide a further physical break between the dwellings. A number of amendments have also been carried out to the scheme to address the issue of loss of privacy including, the relocation of the proposed turning head from the rear of the existing properties and the reduction of the front terrace of Plot 3. The applicant has also undertaken to provide additional screening and landscaping along the garden boundaries of the existing dwellings in order to reduce overlooking and improve privacy. In relation to Clydach Court to the south, it is not considered that the position and location of the new dwellings, at approximately 30 metres away, will result in a significant loss of privacy for existing residents.

It is recognised that the proposed development will involve the removal of material from the site as the new plots would effectively need to be cut into the mountainside and Members were advised at the last Committee meeting that the applicant had estimated that approximately 1263 cubic metres of material would need to be excavated in order to construct the access road and four dwellings. Whilst it is appreciated that there are a number of residential properties in close proximity to the site and the removal of the material would need to be carried out through nearby residential streets, it is not considered that this site would cause any greater nuisance for residents than other similar sites in the Valleys which have been similarly developed. Members will be aware that the Transportation Section did not raise any significant highway issues in respect of the site, however a number of conditions were recommended which would assist in controlling the construction activities and which were designed to minimise the disturbance experienced by local residents. The applicant's agent has also emphasised that it is not intended to carry out the removal of the excavated materials all in one go, but this was intended to be carried out over a period of time, as each individual plot was developed.

In respect of any general disturbance resulting from the day-to-day movements to and from the site, it is not anticipated that the level of activity generated from 4 additional dwellings, together with any associated visitors or deliveries, would result in a significant amount of disturbance to existing local residents.

It is therefore considered that the development of the site complies with all of the relevant LDP policy criteria for housing development within a sustainable location and any overlooking and disturbance experienced by residents resulting from the development of the site can be minimised through the use of planning conditions. If, however, Members are still minded to refuse the application, it is suggested that the following reason would reflect Members' concerns:

SUGGESTED REASON

- 1 The proposed development of the site would have an adverse impact on the amenities of nearby residential properties, particularly 'Highfields' by reason of overlooking and loss of privacy and also due to disturbance resulting from vehicular movements to and from the site. As such, the development would be contrary to Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

APPLICATION NO: 13/1361/10 (SF)
APPLICANT: Mr Anthony Ponsford
DEVELOPMENT: Erection of four bungalows (Additional ecological information received 26/03/15 and 09/02/15 and amended plans received 08/06/16 showing revised site access, additional footway on Garth Wen, re-located turning head and reduced front patio area to plot 3).
LOCATION: LAND ADJACENT TO "GARTH WEN", GARTH ROAD, TREALAW.
DATE REGISTERED: 14/05/2015
ELECTORAL DIVISION: Trealaw

RECOMMENDATION: Grant

REASONS: Whilst the majority of the site is located outside of the settlement boundary of Trealaw, it lies immediately adjacent to it and in complying with the criteria identified in Policy NSA 12, its development for residential purposes is acceptable in principle.

The current proposal for 4 no. 2 and 3 bedroom dwellings has generated a number of concerns from local residents, however amendments have been carried out to the scheme, which have sought to overcome these. The proposal is considered to represent an appropriate form of residential development and is not considered to have an adverse impact on the amenities of nearby properties.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

This is a full application for the erection of four detached, bungalow style dwellings on land adjacent to Garth Wen, Garth Road, Trealaw.

The proposed dwellings would be sited on a sloping parcel of land, immediately adjacent to the Garth Wen sheltered housing complex. The site forms part of the existing mountainside and the majority of the land is located outside, but immediately adjacent to the defined settlement boundary as prescribed by the Local Development Plan (LDP). The application has been submitted on the basis that it will be considered under Policy NSA 12 of the LDP, which allows appropriate small scale housing development adjoining the settlement boundary.

The dwellings would be positioned in a broadly linear fashion across the plot and above the level of the proposed access road that would be created through the site. Each of the proposed dwellings are of a comparable bungalow style design and layout, with broadly rectangular footprints and projecting front annexes. Three of the proposed units would be three-bedroom and one of the proposed bungalows would be a two-bedroom unit. The specific plot dimensions are detailed below:

Plot 1 (3 bed with detached garage) - 19.8m width x 9.7m depth x 6.5m height.

Plot 2 (3 bed including attached garage) - 22m width x 9.7m depth x 7m height.

Plot 3 (2 bed including attached garage) - 23.2m width x 11m depth x 7.5m height.

Plot 4 (3 bed including attached garage) - 22m width x 9.7 depth x 7m height.

Each of the proposed dwellings would be constructed by cutting into the mountainside and would be elevated above other development nearby, but recessed into the plots with small front gardens and enclosed gardens with retaining walls to the rear. The dwellings would be accessed via front walkways and elevated balcony areas. Each dwelling would also benefit from associated vehicle garages which would be sited alongside the main buildings, with the exception of plot 1 (the most westerly of the bungalows), where the garage building would be sited at the front of the main dwelling. It is detailed that the dwellings would have a cement rendered finish, with slate tiled roof, Upvc rainwater goods and road and driveways finished in tarmac.

The main point of vehicle and pedestrian access to the site would be created from the east of the site off an existing adopted highway that serves the Garth Wen sheltered housing complex. The access road would be 4.5 metres in width and run along the front of each dwelling with a turning area being created at the western end of the site. A landscape buffer would be created along the southern boundary of the site to screen the dwellings from the existing properties in the area and the privacy of the nearest dwellings to the south would also be protected by the erection of fencing along the south and east boundaries.

The current application is accompanied by the following:

- Design and Access Statement (DAS) -January 2014.
- Preliminary Ecological Appraisal - June 2014.
- Reptile Survey - February 2015.

The DAS details that the land was purchased from the Council with a view to creating a small residential development. Pedestrian and vehicular access through the existing access to 'Garth Wen' and a large wooded area to the north-east of the site and north of Garth Wen were also included in the sale, but the additional land does not form a part of the development. The dwellings have been located in an elevated position in order to take advantage of extensive views to the south. It is maintained that the development will provide a much needed residential boost to the area, is in close proximity to retail and established communities and will improve the aesthetic appearance of the area, to the benefit of the local community.

Following objections received in relation to the proposed access arrangements including the break in the footpath and also the impact of overlooking and loss of privacy from nearby residential properties, the scheme has been amended to provide an alternative access arrangement with a new footway to the south of the access road to Garth Wen, alterations to the design of Plot 3 and a revised boundary treatment along the side and rear boundary with Highfields, which is also designed to ensure that the privacy of existing properties is retained.

SITE APPRAISAL

The application site consists of a sloping parcel of land situated on the fringes of the built up area of Trealaw. The plot sits towards the bottom of the lower slopes of Mynydd Trealaw and benefits from various planting and vegetation cover. The irregular shaped application plot covers an area of approximately 0.5 hectares, with a maximum length of approximately 115 metres and maximum depth of approximately 70 metres. The majority of the plot is situated outside the settlement boundary, with only a small area to the east located within it.

No direct means of vehicle access exists into the site, although the application boundary includes a parcel of land to the front of the neighbouring 'Garth Wen' housing complex, where a new access road would be created. The proposed access road would breach an existing tree line that currently screens the site from Garth Wen. Towards the front south of the site are 2 semi-detached properties no. 1 Police Houses and Highfields, which are set at right angles to the application site. Further to the west is the rear aspect of the Clydach Court Care Home and adjacent to the western boundary is the residential estate known as Summerfield Court. The applicant also owns an area of land to the north-east of the application site to the rear of the Garth Wen building, however this does not form part of the current application.

PLANNING HISTORY

No relevant planning history.

PUBLICITY

The application has been advertised by means of direct notification of neighbouring properties surrounding the site and the display of site notices.

In response, **five letters of objection** have been received against the planning application (including letters from the managers of both Clydach Court and Garth Wen), which raise the following concerns:

- The proposed bungalows would adversely affect the amenity of Highfields through the direct overlooking of neighbouring garden areas and living spaces.
- The development would be built in a dominating elevated position and the impact on the right to the quiet enjoyment of the existing residential properties would be in breach of the Human Rights Act Protocol 1.
- There are concerns that the development would create flooding and drainage problems and impact on existing drainage systems constructed in order to take surface water off the mountain.

- The proposed drainage by soakaway is totally inadequate for the site and the Council is aware of the increase in flooding due to climate change.
- Any consent should be rigoursly conditioned so that works are designed and implemented in accordance with details agreed by the Council's Engineers.
- The proposed access runs adjacent to an existing retaining wall which was constructed to prevent the mountain land subsiding into adjoining properties. There are concerns regarding its integrity and that the excavation work and subsequent traffic flow could undermine this. It is requested that any consent seeks to ensure that the rights of adjoining landowners are protected.
- The development could have a potential adverse impact on the nearby trees and excavation work could require them to become unstable and cause them to fall onto the neighbouring property. Any development should be conditioned to protect the impact on trees.
- The application does not benefit the environment or landscape and the proposed houses and access would make crime more accessible. Also the loss of the 'green space' should be considered.
- Some of the trees and hedges were cut down prior to the application being submitted. The application should be accompanied by information regarding the impact of the development on the mature trees.
- The 4 new bungalows will create parking issues along Garth Road. Despite a request being made for residents parking only in the area, parking remains a significant problem and the new bungalows will put a major strain on this.
- The land has always been used for grazing purposes.
- The new access road will cross the only existing pavement and the loss of the existing pedestrian handrail that serves the elderly residents of Garth Wen will be a danger to residents.
- The proposed access and additional vehicles including delivery vehicles using the site will cause a danger for local residents.
- Due to the topography of the site, the bungalows would be out of character with the surrounding area, appear visually overbearing and properties to the lower side of the site would lose their privacy.
- The main access road is substandard, particularly for large vehicles to pass and the inadequate parking will result in cars being parked in the road making the development unacceptable in highway safety terms.
- There are no vehicle restriction barriers on the western side of Garth Road.
- Local residents would experience a negative impact due to an increase in traffic movements to the area.
- The site is overgrown and likely to provide some habitat for protected species. An ecological appraisal should therefore be undertaken for the site.
- Clydach Court is a residential care home for residents with dementia. The proposed bungalows would have an impact on the privacy and dignity of existing residents. Residents also enjoy viewing the mountainside to the rear of the site which would also be lost as a result of the proposal.

A petition signed by 22 residents of Garth Wen has also been received against the planning application. This advises that there are no objections in principle to the building of the bungalows however. the following concerns are raised:

- The access road cuts through the only path that leads from the building and elderly tenants would have to cross a road to leave Garth Wen. Concerns are also raised regarding this being the access for the works and the disruption with lorries and the increase in the volume of traffic.
- In order to create an access road the handrail would need to be removed. Residents with mobility / sensory difficulties would have problems negotiating the path and the chance of a tenant incurring serious injury through falling would increase.
- Wheelchair access would be difficult due to the access road.
- There are concerns about the general increase in traffic and inappropriate parking could hinder emergency access to their 18 properties.

Following the receipt of amended plans and re-consultation with neighbouring properties, **1 further letter of objection** has been received raising the following comments:

- Only 2 of the properties appear to have off road parking.
- Garth Road is already heavily affected by the nursing home which does not have sufficient parking for visitors and nurses.
- A request has been made for residential parking, however this has been declined due to budget constraints.
- It is noted that a rumble strip has been included at the entrance to the development and concerns remain regarding increased traffic flow and noise.
- The changes carried out are not considered to address the traffic and parking issues.

CONSULTATIONS

Transportation Section - has raised no objections, subject to conditions. The proposed access is served via a private access road serving Garth Wen Nursing Home. The plans shows a 4.9m private shared access for the first 10m, passing bay at mid point and turning area for delivery and emergency service vehicles to access/ egress in forward gear and a new 1.5m footway opposite the proposed access and is considered satisfactory to serve the proposed 4 bungalows.

The proposed access will require the existing pedestrian handrail to be removed for a distance of 5.0m which will be replaced to the rear of the footway by the developer and the developer has also proposed to provide a 1.5m footway opposite the site with a continuous handrail and 2 pedestrian crossing points in order to overcome pedestrian safety concerns, which is acceptable in terms of highway and pedestrian safety.

The visibility onto Garth Road is satisfactory to the right and 2.4m x 28m to the left. Given that there is a right angled bend at this location it is anticipated that speeds will be below 30mph and therefore the visibility is acceptable. Whilst it is acknowledged that the visibility onto the A4058 Brithweunydd Road A4058 is sub-standard in both directions (2.4m x 25m), it is acknowledged that this situation is typical of terraced valley streets and therefore does not warrant a highway objection.

The proposed 3 no. 3- bedroom dwellings require up-to a maximum of 3 off-street car parking spaces per plot with the 2- bedroom bungalow requiring up-to a maximum of 2 off-street parking spaces in accordance with the SPG. The scheme provides a minimum of 3 off-street spaces for plots 1-3 and 2 spaces for plot 4 which are considered acceptable with potential parking available on the private shared access and a condition to restrict the use of the garages for the parking of vehicles only. Furthermore, the site is identified as being located within easy walking distance of public transport located on Brithweunydd Road A4058.

Public Health and Protection Division – has raised no objections and has raised general comments in relation to demolition, hours of operation during the construction phase of the development, noise, dust and waste.

Land Reclamation and Engineering - has raised no objections subject to conditions.

Structural Engineer - raises no objection, but has identified that a 2m high retaining wall is located 600mm from the gable wall of the house (Highfields) that supports the application site and a condition is therefore recommended to ensure the adequacy of the retaining wall to support the proposed vehicular access.

Dwr Cymru / Welsh Water - has raised no objections subject to conditions which require the submission, approval and implementation of drainage details, which are addressed below.

Wales and West Utilities - has raised no objection, but has identified that their infrastructure may be at risk and requested the applicant to contact them directly to discuss their requirements in detail and advised that any diversion works will be fully chargeable.

Natural Resources Wales – initially noted that the application was submitted without any supporting ecological information, but following the submission of the relevant information, has raised no objections.

Countryside Landscape, Ecology - has raised no objections following the submission of ecology and reptile surveys for the application site and subject to the submission of a Wildlife Protection Plan.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the Northern Strategy Area, partly within and also adjacent to the defined settlement boundary and is unallocated. The site is also located within a Special Landscape Area under Policy NSA 25 2. Mynydd Troed y Rhiw Slopes and the boundary of the Rhondda Historic Landscape. The following policies are considered to be of particular relevance to this application:

Policy CS1 – advises that in the North Strategy Area, emphasis will be given to building strong, sustainable communities and promoting residential development in locations which support and reinforce the roles of Principal Towns and Key Settlements.

Policy AW1 - confirms that residential proposals will be expected to contribute to meeting local housing needs by providing affordable housing, however the threshold set out in Policy NSA 11 is 10 or more units.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations which include sites within the defined settlement boundary or those which accord with Policy NSA12. Proposals should not unacceptably conflict with surrounding uses and have good access to key services and facilities.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

Policy AW6 - requires development to involve a high quality design and reinforce attractive qualities, including that they include an efficient use of land and protect and enhances the landscape and biodiversity.

Policy AW8 - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and requires that proposals demonstrate measures for the mitigation and compensation of potential impacts.

Policy AW10 - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, contamination, land instability or flooding.

Policy NSA 10 - sets housing density requirements for the Northern Strategy Area at a minimum of 30 dwellings per hectare, which is designed to allow diversity in the housing market and the efficient use of land. Lower densities may be permitted where they are necessary to protect the character of a site or the surrounding area.

Policy NSA 12 - supports housing development within and adjacent to settlement boundaries subject to a number of criteria including, that the proposal is for no more than 10 dwellings, the site is bounded on at least one side by the settlement boundary and the scale, form and design of the development will not affect the amenity or character of the site, surrounding or local area and also, that the site is not within a green wedge or designated site.

Policy NSA 25 – development within defined Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

SPG - Nature Conservation

SPG - Design and Placemaking

SPG - Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

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 Chapters 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 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 12: Design;
PPW Technical Advice Note 18: Transport.

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

The majority of the application site is located outside but immediately adjacent to the settlement boundary, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW 2 sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary but also, those that are located in the Northern Strategy Areas and comply with Policy NSA 12. As identified earlier, the application has been submitted for determination on that basis.

In respect of the Policy criteria identified in Policy NSA 12, the application is restricted to 4 dwellings and is located immediately to the north of the settlement boundary and is bounded on the east, west and south sides by the settlement limit. As such, the development of the site would be seen as a logical infill of an existing gap between the existing residential development. In terms of the scale, form and design of the development, the dwellings are proposed to be accommodated centrally across the site and their rear gardens only extend

beyond the boundaries of adjoining development by approximately 5 metres and are not therefore considered to have a significant visual impact on the character of the surrounding area. Although the majority of the site forms part of a Special Landscape Area, this is not an area designated for national or local importance. In conclusion, the site is considered to comply with all of the policy criteria identified and consequently, the proposal is considered to comply with the requirements under Policy NSA 12 and Policy AW 2 in relation to a sustainable location.

In respect of the other policy requirements of Policy AW 2, the proposed development for residential purposes is not considered to conflict with surrounding uses, the majority of which are also residential and the site has good accessibility by a range of sustainable transport options, good access to key services and facilities and is also accessible by foot and public transport. The current proposal is therefore considered to comply with Policy AW 2 and the principle of residential development on the site is acceptable. Further consideration of the proposed scheme against other policy criteria is provided below.

Impact on the character and appearance of the area

The application site comprises a steeply sloping parcel of land situated immediately to the north of the existing built up area of Trealaw. It is acknowledged that the proposed development of the site for residential purposes will result in a significant change from its current visual appearance of overgrown sloping mountainside. Furthermore, the proposal would require significant engineering works within the site and the erection of retaining walls, although these would be to the rear of the dwellings and therefore be screened from wider viewpoints by the dwellings. As identified earlier however, the site is bound on 3 sides by the existing settlement and high density residential development and it is not therefore considered that the 4 dwellings proposed would have an adverse impact on the character of the surrounding area. One of the objections received refers to the fact that the site has always been used for grazing purposes and it is acknowledged that the site is landlocked and has only in effect been used by the local farmer as it adjoins other agricultural land. Due to its proximity to the settlements boundary it is not however considered that it has the character of, or could not be described as open countryside and therefore its development for residential purposes would not have a significant impact on the character of the area.

The development of this 0.5 ha site for 4 dwellings provides a far lower density than the 30 dwellings per hectare which would normally be required under Policy NSA 10, however the policy makes it clear that lower densities are acceptable in certain circumstances. In this case, the lower density proposed still makes efficient use of the land and ensures that the character of the site and surrounding area and the amenity of existing residents are protected. It is considered that given the physical constraints of the site, the need to provide a new vehicular access into the site and the proximity of other surrounding development, it would be very difficult to increase the density of development without adversely impacting on the issues identified under Policy NSA 10 and the size and amount of development is therefore appropriate. The development will make efficient use of the land and

provide diversity in the housing market and as such, there are no issues identified that would conflict with Policy NSA 10.

In terms of their visual appearance, the proposed dwellings although large in footprint, have a relatively simplistic and straightforward bungalow design, and are considered an acceptable form of residential development for the locality, particularly given the variety of properties that surround the site. Their proposed construction in render with a slate tiled roof is considered complementary to other nearby development which is a mixture of brick, render and concrete and slate tiled roofs. The proposal is not therefore considered to have an adverse impact on the character or appearance of the surrounding area which is a designated Special Landscape Area and as such, is considered to comply with Policies AW 5 and AW 6 of the Local Development Plan.

Impact on Residential Amenity

The most direct impact that has been identified is in relation to 2 semi-detached properties no. 1 Police Houses and Highfields, located to the south - east of the site and the objections raised highlight legitimate concerns of overlooking of the rear of those properties and resulting loss of privacy. It is acknowledged that the proposed dwellings and particularly Plot 3 will be highly visible from the rear of these properties, however the properties will be set back into the mountainside and at a higher level than the existing properties. The nearest properties, Plot 3 and 4 are located approximately 12 metres from the rear garden of the nearest two dwellings however, due to the siting of the properties and the difference in levels, it is considered that any loss of privacy will be so significant to warrant the refusal of the application for that reason. The neighbouring properties will also be separated from the new development by the access road which runs from the east to the west and provides a break between dwellings and the intervening land will also be landscaped to provide a natural screen. The original scheme included a turning head on the land immediately to the rear of these two properties however, this has been relocated to the area between Plots 1 and 2 and will enable further landscaping to be incorporated into the scheme. During the course of the application, amendments have been carried out to the design of Plot 3 to reduce the length of the front terrace area in order to reduce the potential for overlooking. Discussions have also been undertaken between the applicant's agent and nearest neighbour to determine what would be the most suitable boundary treatment adjacent to the north and west boundary with Highfields. The amended scheme details the installation of a 1.8m high interwoven fence behind the existing retaining wall to provide a visual barrier until the planting becomes established, however it has been agreed that it would be more appropriate for the final boundary treatment to be agreed once the dwellings have been constructed, in order to determine what screening is appropriate. This can be achieved through a suitably worded condition.

Concerns have also been raised regarding the development of the site by the manager of Clydach Court in relation to resident's loss of privacy and dignity as a result of the development and loss of their existing view. As identified previously, the dwellings are set back at least 15 metres from the boundary of the site, with the main building complex of Clydach Court being located at least a further 15

metres to the south. Whilst these concerns are acknowledged, due to the fact that the new dwellings will be located at a higher level with the access road and landscaping in between, it is not considered that there will be any significant loss of privacy. Whilst the loss of a view is regrettable, this is not an issue that can be taken into account in determining the application and it is anticipated that the overall appearance of the site will be improved as a result of the development and landscaping carried out. It is noted that only 1 objection has been received in response to the amended plans and it is therefore concluded that as a result of the detailed amendments carried out to the scheme, the development would have an acceptable impact in relation to residential amenity and complies with Policy AW 5 of the Local Development Plan.

Highway Safety

The scheme involves the formation of a new access directly off Garth Wen into the site as it is currently landlocked. A private access is shown to continue into the site and run parallel with the side boundary of Highfields before dropping down and running down to the western boundary of the site. A passing bay is provided opposite Plots 3 and 4 and a turn on site at the western end between Plots 1 and 2.

The new access point will result in a break in the current footpath and hand rail which runs along the western side of Garth Wen and provides access to the existing sheltered housing complex. This has been the subject of a number of objections from local residents, including residents of Garth Wen. Following discussions between the applicant and highways officers, an alternative scheme has been put forward which still retains the new access point to the west of Garth Wen, but includes a new continuous footway and handrail on the eastern side, which terminates with tactile paving opposite the main entrance doors to the sheltered housing complex. This is considered to be acceptable in terms of highway and pedestrian safety and overcomes a number of the concerns raised regarding the impact on residents with mobility or sensory difficulties.

Each of the bungalows provides a combination of garage and off-street parking which provides 3 spaces for Plots 1-3 and 2 spaces for Plot 4, which is considered to be acceptable. Although some concerns have been raised by local residents in relation to the lack of parking provided and the resulting impact on existing on-street parking in Garth Wen and Garth Road, the proposed parking is in accordance with the adopted SPG in respect of parking requirements and is therefore considered to be acceptable.

Whilst concerns have also been raised in relation to the general increase in traffic and that inappropriate parking could hinder emergency access, it would appear that on-street parking already occurs in Garth Wen and it is not considered that the development proposed would cause a significant increase in the current position.

The comments received from highways officers suggest a restriction on the use of the garages provided and it is considered that this is necessary in order to ensure that the parking provision shown is maintained within the site and can be secured via an appropriate condition. Subject to this and other highway related conditions,

no objection has been raised by the Council's Transportation Section and the scheme is considered to comply with Policy AW5 of the Local Development Plan.

Ecology

During the course of determining the application, a preliminary Ecological Appraisal was submitted which concluded that whilst there were no statutory sites or non-statutory designated sites immediately on or adjacent to the application site, there could be a potential impact from the loss of areas of dense bramble scrub which was considered to provide good habitat for nesting birds and common reptiles. It was therefore recommended that further reptile surveys be undertaken and this confirmed that a medium population of slow worms was inhabiting the site and that there would be a high risk of encountering this species as a result of the proposed works. As a result of further surveys, on site mitigation involving a full capture and translocation exercise was considered appropriate, including an area to be set aside as a managed habitat for the translocated reptiles. The survey concluded by confirming that the reptiles moved into the receptor site will move into the surrounding countryside and the gardens of the proposed development, on completion of the works. Following detailed consideration of a further reptile strategy presented by the applicant's ecologist and site meetings with the Council's Ecologist it has been confirmed that subject to an appropriate condition to require a Wildlife Protection Plan for Construction, there would be no ecological impacts arising from the development of the site.

In relation to trees within the site, the Ecological Appraisal identifies a silver birch at the eastern boundary, semi-mature Ash, Sycamore and Oak trees just outside the north-western boundary and a further group of broad leaf trees just outside the eastern boundary of the site. It would appear from the representation letters received that some of these trees may have been removed already however, these trees were not subject to any protection. It is noted that one of the existing mature trees along the eastern boundary of the site will need to be removed to enable the new vehicular access into the site to be created however, it is not considered that the loss of this tree will have a significant impact on the amenities of the area or on roosting bats, which has also been considered as part of the Appraisal.

Following consideration of the additional ecological survey and reptile reports for the site, the Council's Ecologist and Natural Resources Wales have raised no objection to the application and subject to the requirement to provide a Wildlife Protection Plan, the proposal is considered acceptable and to comply with the requirements of Policy AW8 of the LDP.

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:

Drainage and flooding

The application is not accompanied by any specific drainage details, although it is indicated that foul drainage will be connected to the main sewer and surface water disposed of via soakaway. In response to the initial details submitted, Land Reclamation and Engineering Officers have identified the presence of a watercourse within 20 metres of the proposed site and as a result, it has been advised that a Hydrological Impact Assessment should be provided as part of the drainage information required.

It is acknowledged that a number of local concerns have been raised during the consultation process, which highlight in particular, the presence of a number of other existing drains which have needed to be built in order to accommodate the surface water off the mountain and to stop properties flooding. Further advice has therefore been sought from the Council's Engineers and it has been confirmed that if a soakaway on the site is not feasible, its discharge to a watercourse would need to be considered before the final option of discharging to a sewer would be considered by Dwr Cymru / Welsh Water, which is why a survey and hydraulic assessment is required.

Ground Conditions / Stability

The design and layout of the proposed scheme will require the submission of further details relating to the engineering operations that will be necessary to implement the development including, both the construction of the four dwellings and the new access road leading into and along the width of the site. It is also acknowledged that concerns that have been raised in relation to the boundary wall of the nearest property Highfields, which forms a retaining wall with the site and as a result, a condition has been suggested by the Council's Structural Engineer to ensure the adequacy of the retaining wall to support the proposed vehicular access and secure the stability of the site.

Historic Landscape

The application site is located within the Rhondda Registered Landscape of Historic interest published by Cadw. Guidance produced by Cadw identifies the need to assess the potential effects of a development in relation to the whole of the historic landscape and advises that development can have an adverse effect on the amenity and value of the landscape well beyond the site of the development itself. The proposed development in this case is however restricted to 4 dwellings and as previously identified, from distant views, the development of the site would be seen as a logical infill of an existing gap between the existing residential development and will not therefore have a significant effect on the historic landscape.

Public Health and Protection

Whilst other comments raised by the Council's Public Health & Protection Section are noted, it is considered that noise, dust and waste can be more efficiently controlled by other legislation. An appropriate Informative can be added to any permission notifying the applicant / developer of the need to comply with legislation concerning noise, dust and waste matters.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

CONCLUSION

Having taken into account all of the issues identified above, it is considered that proposed development of the site to provide 4 dwelling with associated access, and parking is acceptable and, complies with relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following approved plans:

Block Plan	-	31/12/13
Sheet No 2 Rev 1	-	Site Layout Plan - 8/6/16
Sheet No 4	-	Plot No 1 – 31/12/13
Sheet No 5	-	Plot No 2 – 31/12/13
Sheet No 6	-	Plot No 3 – 31/12/13
Sheet No 7	-	Plot No 4 – 31/12/13
Sheet No 10	-	Front Elevations – 8/6/16

and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and clearly define the scope of the permission.

3. Building operations shall not be commenced until samples / brochure details of the external finishes proposed to be used for the development have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development, full details (including external finishes, heights and exact siting) and design / structural calculations of the proposed retaining wall structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety and in the interests of visual amenity in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the first occupation of any of the dwellings hereby approved a comprehensive scheme for boundary treatments for the development (indicating heights, finishing materials and exact positions) shall be implemented in accordance with details which shall first be submitted to and approved by the Local Planning Authority.

Reason: To safeguard the privacy of nearby residents and to ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until drainage arrangements including a

Hydrological Impact Assessment have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan Sheet N^o2 Rev N^o1 dated June 8th 2016 and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Unless as otherwise agreed with the Local Planning Authority the access shall be at a gradient not steeper than 5% [1 in 20] for the first 20 metres and thereafter not steeper than 12.5% [1 in 8] to include the proposed turning area and driveways.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

11. The garages, hereby approved, shall be used for purposes ancillary and incidental to the use of the 4th bungalows and at no time shall they be converted to rooms or living accommodation to be enjoyed as part of the bungalows.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the submitted plans, details of the proposed 1.5m footway opposite, vehicular crossover, pedestrian handrail, pedestrian crossing points and "Garth Wen" sign affected by the proposed development shall be submitted to and approved in writing prior to any works commencing on site. The approved details shall be implemented prior to the beneficial occupation of any dwelling unless otherwise agreed

in writing by the Local Planning Authority.

Reason: To assist pedestrian movement leading to the site to encourage more sustainable modes of travel, in the interests of pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. HGV deliveries during construction shall be restricted to 09:00am to 16:00pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place until a Wildlife Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:
- a) An appropriate scale plan showing 'Wildlife and Habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) Details of reptile and nesting bird mitigation;
 - d) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - ii) Installation of physical protection measures during construction;

- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and Habitat Mitigation measures
- vii) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan

17. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 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

20 JULY 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION N0: 13/1361 -
ERECTION OF FOUR
BUNGALOWS (ADDITIONAL
ECOLOGICAL INFORMATION
RECEIVED 26/03/15 AND 09/02/15
AND AMENDED PLANS
RECEIVED 08/06/16 SHOWING
REVISED SITE ACCESS,
ADDITIONAL FOOTWAY ON
GARTH WEN, RE-LOCATED
TURNING HEAD AND REDUCED
FRONT PATIO AREA TO PLOT 3).
GARTH WEN, GARTH ROAD,
TREALAW**

OFFICER TO CONTACT

**MRS S FEIST
(Tel. No. 01443 494800)**

See Relevant Application File

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-20

**PLANNING AND DEVELOPMENT
COMMITTEE**

22ND JUNE 2017

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

Agenda Item No. 5

SITE MEETING

**APPLICATION NO: APPLICATION NO:
13/1361 - ERECTION OF FOUR
BUNGALOWS (ADDITIONAL
ECOLOGICAL INFORMATION RECEIVED
26/03/15 AND 09/02/15 AND AMENDED
PLANS RECEIVED 08/06/16 SHOWING
REVISED SITE ACCESS, ADDITIONAL
FOOTWAY ON GARTH WEN, RE-
LOCATED TURNING HEAD AND
REDUCED FRONT PATIO AREA TO PLOT
3), LAND ADJACENT TO "GARTH WEN",
GARTH ROAD, TREALAW.**

Author: Mr.M.JONES, Democratic Services 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 approve the application in accordance with the recommendation of the Service Director Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No. 163 (Development Control Committee, 6th April 2017), a site inspection was undertaken on Tuesday 30th May, 2017 to consider drainage, highways, structural issues and the impact of the development on the surrounding area.
- 3.2 The meeting was attended by the Chair and Vice Chair of the Planning and Development Committee (County Borough Councillors S. Rees and

G. Caple) and Committee Members - County Borough Councillors D. Grehan, L. Hooper, G. Hughes, P. Jarman, D. H. Williams and J. Williams

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors J. Bonetto and A. Davies-Jones.
- 3.4 Members viewed the application site which was located on the Land adjacent to Garth Wen, Garth Road, Trealaw.
- 3.5 Members were informed by the Development Services Manager that that full planning permission was being sought for the erection of four detached, bungalow style dwellings on land adjacent to Garth Wen, Garth Road Trealaw, three of the proposed units would be three-bedroom and one of the proposed units would be two-bedroom. Members were informed that amendments had been made to the proposed development which was sought to overcome a number of concerns from local residents (the development was highlighted by a map available at the site visit).
- 3.6 With regard to issues concerning the retaining wall, the Development Services Manager stated that this has been considered by the Structural Engineer who has requested the imposition of an appropriate condition requiring the applicant to demonstrate that the wall is adequate to support the proposed development and access road.
- 3.7 Concern was raised by Members in relation to the proposed development which could create flooding and drainage problems and impact on existing drainage systems. Members were advised that appropriate drainage conditions would be imposed should planning permission be granted.
- 3.8 Members considered access, parking and the impact on the amenity of neighbouring dwellings and residential care home during the visit.
- 3.9 The Highways Development and Adoptions Manager stated that the proposal has been reviewed in terms of highways safety, access, circulation and parking and is considered acceptable subject to a number of conditions contained within the report.
- 3.10 Members did query with officers the volume of material that would need to be removed and taken off site in order to facilitate the development and also whether an indication was given by the Council's Estates Section as to whether residential development would be appropriate for the site. Officers were asked to update Members in respect of these issues at the appropriate Committee meeting.