



PLANNING & DEVELOPMENT COMMITTEE

7 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1086/08
(GW)
APPLICANT: Corporate Estates
DEVELOPMENT: Residential development (Outline).
LOCATION: LAND AT ENTRANCE TO HENDRE GWILYM,
PENYGRAIG, TONYPANDY
DATE REGISTERED: 25/09/2018
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: GRANT

REASONS:

The proposal would beneficially provide plots for self-build residential dwellings within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan.

It is considered a low density of dwellings could be developed on the site that would be both sympathetic to the character of the area and to neighbouring amenity. Whilst an objector has detailed the development would result in a loss of privacy and trees and some vegetation clearance would be required, the impact on trees and ecology is considered to be acceptable.

An acceptable access and level of off-road parking could be provided.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by the Council involving land owned by the Council, where its interest is of more than a minor nature.

APPLICATION DETAILS

Outline planning permission is sought for residential development on land at Hendre Gwilym in Penygraig.

An indicative plan submitted shows the site could potentially provide four plots with direct access to the public highway.

The applicant has provided minimum and maximum parameters of scale as follows:

Width: 4m to 12m

Depth: 6m to 12m

Height 5m to 11m

Since the application is made in outline with all matters reserved for future consideration, there are no details of design, layout or access. These would be required as a separate 'Reserved Matters' application if permission were to be granted.

The application is one of a number of similar developments proposed by the Council as part of a new housing strategy entitled 'Plot Shop'.

The purpose of the strategy is to increase the housing land supply by releasing land within the Council's ownership, where outline planning permission has already been granted.

The strategy is targeted particularly at locations where developer interest has not been strong and where market housing has not been able to address the needs of communities and local families.

Furthermore, by helping to address the complexities of identifying potential development sites and securing outline consent in advance of sale, it is anticipated that the Plot Shop scheme will help to address the low number of self-build homes being constructed within RCT.

SITE APPRAISAL

The site is located at the entrance of Hendre Gwilym estate, in Penygraig, Tonypany. The topography is largely flat, while the north and eastern sections of the site slope away downwards to the boundary. The site is partly maintained public open space, with the sloping areas more overgrown and natural in appearance. A footpath is located to the bottom of the sloping area which links in to a set of steps up the side of the site.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. One letter of objection has been received at the time of writing this report. The comments are summarised below:

- Objects on the grounds of privacy and overlooking.
- Object on the possible ecological environment impact if trees are allowed to be taken down within the application area.

CONSULTATION

Cadw – there are no scheduled monuments or registered parks and gardens that would be affected by the proposed development. We therefore have no comments to make.

Countryside Section – no objection. Part of the site is mown amenity grassland with very minimal ecological value. The second part is steeper sloping ground covered in mixed scrub (hawthorn, willow, rowan bramble etc) with areas of rough unmanaged grassland. The scrub is ideal nesting bird habitat and will require an appropriate clearance strategy. There is also some reptile habitat potential which will require mitigation and as a precaution the potential for Japanese Knotweed should be considered.

Dwr Cymru/Welsh Water – no objection subject to conditions requiring that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and that no development should be carried out within 3m either side of the centreline of a public sewer that crosses the site.

Flood Risk Management – no objection subject to drainage details by condition.

Glamorgan Gwent Archaeological Trust - The Historic Environment Record shows the application area as within the Rhondda Registered Landscape of Special Historic Interest, falling within character area: HLCA00 Penygraig, characterised as early nucleated industrial settlement and collieries; later industrial ribbon and grid layouts. The HER shows that coke ovens associated with Pen-y-Graig Colliery, depicted on First and Second Edition OS Maps of 1879 and 1900, and marked as disused by the Third Edition of 1920, are within part of the application area, with associated tramways. It is our experience that remains of an industrial nature survive when they are believed to have been demolished. It is our opinion that remains of these may exist as a buried archaeological resource and that the development is likely to encounter these. As mitigation, therefore, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource is required.

Public Health and Protection – no objection subject to conditions on the demolition of dwellings, hours of operation during construction, noise, dust, waste, site contamination and a scheme to protect from noise from the A4119.

Transportation Section – no objection subject to conditions requiring the engineering details of the access, circulation and surface water drainage, off street parking to be in accordance with the Council’s planning guidance, a restriction on HGV deliveries and a construction method statement.

Wales & West Utilities – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

Western Power Distribution – no comments received at the time of writing this report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site lies in the northern strategy area, inside the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. The area is identified as being within the Rhondda Historic Landscape area designated by Cadw.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential development in locations which support the role of principal towns and settlements and provide high quality, and reducing daily out commuting by private car and promoting sustainable forms of travel.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council’s Supplementary Planning Guidance (SPG).

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW7- covers the protection and enhancement of the built environment.

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA10 – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

Policy NSA12 – details criteria for housing development within and adjacent to settlement boundaries.

Supplementary Planning Guidance

Access Circulation and Parking
Design and Placemaking
The Historic Built Environment
Nature Conservation

National Guidance

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

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 1 (Managing New Development)
Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)
Chapter 4 (Active and Social Places)

Other relevant policy guidance consulted:
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
PPW Technical Advice Note 24: The Historic Environment; and
Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the proposed development

The site is inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) and within an area of existing residential dwellings.

As such, it is considered therefore that the principle of residential dwellings on the site would be acceptable subject to the following material planning considerations, which are discussed below.

Impact on the character and appearance of the area.

The site is within the Rhondda Historic Landscape area designated by Cadw. The main part of the site is an open area of level land fronting the highway. Dwellings provided in a similar manner to those in the area and facing the street would complement the existing character of the area.

It is noted the site also includes some sloping land that is immediately adjacent to a footpath to the east and steps to the north of the site. This forms an attractive corridor along the footpath (and steps) and due to the slope would not be suitable to build on. If residential development and boundary fences were developed on its edge this would result in the loss of some of this character and would detract from the amenity of the users of the footpath. Therefore, it is considered it would be necessary to restrict the size of the residential curtilages, obtain details of boundary treatment and retain a landscaped buffer. A suitable size of plot would still be available to develop residential dwellings on. Details of this could be provided at the reserved matters stage and required by a suitably worded condition if Members consider this necessary.

As such, taking into account the above, it is considered the proposal would not result in a significant detrimental impact on the character of the area.

Impact on residential amenity

In terms of the impact on the amenity of nearby residents, an objection has been raised due to a loss of privacy from the development. However, it is considered that dwellings could be developed in a similar manner to the existing dwellings in the area that face the street.

In addition, the Council's Public Health and Protection Section detail that a scheme for protecting the future occupiers of the development from noise from the adjacent A4119 bypass road is required. Members are advised that this could be obtained by a suitably worded conditions if permission is granted.

As such, the proposed dwelling would not result in a significant detrimental impact on residential amenity.

Access and highway safety

No objection has been raised by the Council's Transportation Section subject to conditions. As this is an outline application with all matters reserved it is considered these details can be obtained in a reserved matters application. The condition requiring a construction method statement is not considered necessary due to the

small scale of the development and as it is likely that each plot would be developed separately.

Therefore taking into account the above it is considered access and parking would be acceptable.

Ecology

The development site includes an area of scrubland that may have potential for nesting birds and reptiles. The Council's Countryside Section consider that a condition requiring that these are taken into account during site clearance and that any Japanese knotweed is necessary. Details of this can be required by a suitably worded condition if permission is granted.

Archaeology

The Glamorgan Gwent Archaeological Trust comment that coke ovens associated with the former Pen-y-Graig Colliery are within part of the application area, with associated tramways. They detail development is likely to encounter these and that a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted.

Site contamination

The Council's Public Health Section detail that a former colliery and coke ovens formerly occupied the site and a site investigation and any mitigation required would be necessary. Members are advised that this could be obtained by a suitably worded conditions if permission is granted.

Other issues

Drainage

Dwr Cymru/Welsh Water advise that a sewer passes through the site and that no development would be allowed 3 metres either side of its centreline. This would potentially affect two of the plots to the north of the site. Potentially sewers could be diverted under the Water Industry Act and the developer would be liable for the costs of diversion. Therefore, it is considered this would not warrant a reason for refusal of the application.

Public Health and Protection Comments

With regard to the further issues raised by the Public Health and Protection Section it is considered construction noise, dust, waste and importation of soils matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

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 will be calculated for any reserved matters or full applications.

However, the application site lies within zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Section 92 and 93 of the Town and Country Planning Act 1990.

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

- Site Location Plan received 9th October 2018

and documents received by the Local Planning Authority on 26th September 2018, 9th October 2018, 17th October 2018 and 22nd October 2018 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 documents and to clearly define the scope of the permission.

3. The reserved matters application shall include details of a landscape buffer zone between the footpath and the steps to the north and east of the site and the rear curtilage boundaries of the proposed dwellings. The buffer zone shall be kept open and free of any development including boundary treatment (other than hereby approved) and any structures without the prior express permission of the Local Planning Authority.

Reason: To preserve the open character of the land in the interest of visual and residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a. An appropriate method statement for any site clearance in relation reptile potential (slow worms and common lizard);
 - b. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season); and
 - c. A method statement for the eradication of Japanese Knotweed.

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.

5. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
 1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 3. A written method statement for the remediation of contamination affecting the site.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation, which has been submitted by the applicant and

approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the A4119 carriageway has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: In the interest of residential amenity and so as to accord with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until drainage arrangements (including any driveways) 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 disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the proposed access, circulation and parking including surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the dwellings.

Reason: To ensure the adequacy of the proposed development, in the interests of highway and safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 5) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority,

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. If during development works any contamination is encountered which was

not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. HGV's used during construction shall be restricted to 09:00am to 16:30pm weekdays, 09:00am 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 highway safety and the free flow of traffic in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

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