



RHONDDA CYNON TAF

CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

GWŶS I GYFARFOD PWYLLGOR

C Hanagan

Cyfarwyddwr Materion Cyfathrebu a Phennaeth Dros Dro'r Gwasanaethau Llywodraethol

Cyngor Bwrdeistref Sirol Rhondda Cynon Taf

Y Pafiliynau

Parc Hen Lofa'r Cambrian

Cwm Clydach, CF40 2XX

Dolen gyswllt: **Hannah Williams - Uned Busnes y Cyngor - Gwasanaethau Llywodraethol (01443 424062)**

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal **AR Y SAFLE** ar **DYDD MAWRTH, 15FED IONAWR, 2019** yn unol â'r manylion isod.

AGENDA

DATGANIADAU O FUDDIANNAU – Derbyn datganiadau o fuddiannau personol gan Gynghorwyr, yn unol â gofynion Côd Ymddygiad y Cyngor.

Noder:

Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw.

Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

| <u>AMSER</u> | <u>LLEOLIAD</u> | <u>PWRPAS</u> |
|---------------------|---|---|
| <u>10.00 am</u> | Tir y tu ôl i Heol Aberhonddu a ger Clos y Ddôl Hir, Hirwaun. | Cais Rhif: 18/1083 - Datblygiad preswyl (Amlinelliad), tir y tu ôl i Heol Aberhonddu a ger Clos y Ddôl Hir, Hirwaun. (Cod Post Awgrymedig: CF44 9QE) |

| <u>AMSER</u> | <u>LLEOLIAD</u> | <u>PWRPAS</u> |
|---------------------|---|---|
| <u>10.40 am</u> | Tir ger cyffordd Stryd Gwladys a Heol Keir Hardie, Pen-y-waun, Aberdâr. | Cais Rhif: 18/1080 - Datblygiad preswyl (Amlinelliad), tir ger cyffordd Stryd Gwladys a Heol Keir Hardie, Pen-y-waun, Aberdâr. (Cod Post Awgrymedig: CF44 9AW) |

| <u>AMSER</u> | <u>LLEOLIAD</u> | <u>PWRPAS</u> |
|---------------------|---|---|
| <u>11.15 am</u> | Tir i'r dwyrain a ger cyffordd Heol Brynmair a Heol Fforchaman, Cwmaman, Aberdâr. | Cais Rhif: 18/1079 - Datblygiad preswyl (Amlinelliad), tir i'r dwyrain a ger cyffordd Heol Brynmair a Heol Fforchaman, Cwmaman, Aberdâr. (Cod Post Awgrymedig: CF44 6NL) |

Cyfarwyddwr Materion Cyfathrebu a Phennaeth Dros Dro'r Gwasanaethau Llywodraethol

Cylchrediad:-

Aelodau o'r Pwyllgor Cynllunio a Datblygu

Cadeirydd ac Is-gadeirydd y Pwyllgor Cynllunio a Datblygu
(Y Cyngorwyr Bwrdeistref Sirol S Rees a'r Cyngorwyr Bwrdeistref Sirol G Caple yn y drefn honno)

Cyngorwyr y Fwrdeistref Sirol: Y Cyngorwyr J Bonetto, Cyngorwyr D Grehan, Cyngorwyr G Hughes, Cyngorwyr P Jarman, Cyngorwyr W Owen, Cyngorwyr J Williams, Cyngorwyr S Powell, Cyngorwyr J Harries a'r Cyngorwyr R Yeo

Cyfarwyddwr Materion Cyfathrebu a Phennaeth Dros Dro'r Gwasanaethau Llywodraethol
Cyfarwyddwr Gwasanaeth, Cynllunio
Rheolwr Materion Rheoli Datblygu
Rheolwr Materion Rheoli Datblygu
Rheolwr Rheoli Datblygiad y Priffyrdd

Safle 1

Aelod Lleol nad yw'n aelod o'r Pwyllgor -Y Cyngorwyr K Morgan

Safle 2

Aelod Lleol nad yw'n aelod o'r Pwyllgor -Y Cyngorwyr H Boggis

Safle 3

Aelod Lleol nad yw'n aelod o'r Pwyllgor -Y Cyngorwyr T Williams ac Y Cyngorwyr A Calvert



RHONDDA CYNON TAF

PLANNING & DEVELOPMENT COMMITTEE

20 DECEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1083/08
(GH)
APPLICANT: Corporate Estates
DEVELOPMENT: Residential development (Outline).
LOCATION: LAND TO THE REAR OF BRECON ROAD &
ADJACENT TO LONG MEADOW CLOSE, HIRWAUN
DATE REGISTERED: 24/09/2018
ELECTORAL DIVISION: Hirwaun

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The application site is within the settlement boundary and is in a sustainable location close to local shops, services and school. The principle of residential development would be in accordance with LDP Policies AW1, AW2 and NSA12.

In addition the indicative layout plan has established that the site is of a size sufficient for the construction of five dwellings and would enable satisfactory space for amenity use and off-street parking.

The granting of outline consent would contribute to the local housing supply and would offer residents and families the chance to construct a self-build home to their requirement, without the disadvantages of locating a suitable development plot.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Outline planning permission is sought for the construction of five dwellings on land both to the rear of Brecon Road, Hirwaun and adjacent to Long Meadow Close. The parcel of land is roughly rectangular in shape and encompasses an area of approximately 0.24ha.

Although the application is made in outline with all matters reserved for future consideration, the submission is accompanied by an illustrative layout. This demonstrates that the site would be subdivided into five parcels, each amounting to an area of 480m².

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

Width: 4m to 12m

Depth: 6m to 12m

Height 5m to 11m

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

As explained at a previous Committee presentation, 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 application property is a piece of land located adjacent to Long Meadow Close and to the rear of Brecon Road, Hirwaun.

Of a rectangular nature, the surface area of the land amounts to 0.24 hectares and exhibits a gentle fall in level towards the north-east.

Currently maintained as a grassed public open space and containing a couple of park benches, the land is enclosed by the public highway to the south-west and north-west, and by the boundaries of dwellings to the north-east and south-east.

The land is not subject to any environmental designations or constraints.

PLANNING HISTORY

There are no recent or relevant applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to twelve neighbouring properties and notices were displayed on site.

Eleven letters of objection have been received highlighting the following concerns:

- The dwellings would have an impact on the privacy of the residents whose homes back onto the site.
- New houses would exacerbate existing parking and access issues, particularly in respect of the proximity to the school site, and will add to the traffic generated by other recently approved/constructed developments; including that at the former Nidums site to the west.
- Loss of green space which is pleasant to look at and is used by children, dog walkers and residents as a meeting space. The recreation ground is too far away for children.
- Brecon Road residents have a right of access to the rear gardens. A previous Council constructed the rear garden wall, which included gaps for the access.
- The land was previously compulsorily purchased to provide public open space for the now-demolished high rise flats. Previously it formed part of the gardens of Brecon Road properties and should be retained as public open space

These matters are considered within the body of the report further below.

CONSULTATION

Highways and Transportation - no objection subject to conditions.

Land Drainage - a condition is suggested in respect of surface water drainage.

Public Health and Protection - no objection subject to conditions regarding noise, dust, waste, demolition, hours of operation.

Dwr Cymru/Welsh Water - DCWW requests that conditions relating to sewerage and surface water be applied should the development received consent, and notes that the site is crossed by a sewer.

Wales and West Utilities - WWU notes the proximity of underground services to the application site, including a gas main crossing the southern part of the site, and has supplied a list of general conditions and a plan.

Hirwaun and Penderyn Community Council - raises concerns in relation to on-street parking in the area and the likelihood of congestion with school buses/traffic; particularly if the School is developed further. The Council also states a preference for the ground to be retained as a valuable green open space.

Countryside - Ecologist - the site is mown amenity grass with very minimal ecological value, and contains a section with Japanese Knotweed.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hirwaun

Policy AW1 - sets out the criteria for new housing proposals.

Policy AW2 - promotes development in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

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

Policy AW10 - does not support development where unmitigated environmental, public health or amenity risks are present.

Policy NSA12 - supports housing development within defined settlement boundaries.

Supplementary Planning Guidance (SPG)

- Design and Placemaking
- Access, Circulation & Parking Requirements

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 policy guidance considered:

PPW Technical Advice Note 12 - Design

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 proposed development

The application relates to outline consent for the construction of five dwellings within a parcel of land located within the settlement boundary for Hirwaun.

Policies NSA12 and AW1 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, where located within or adjacent to defined settlement boundaries in the Northern Strategy Area.

Whilst Policy AW1 is supportive of the general principle of development at this site, the criteria stipulated by Policy AW2 also require that development proposals should be positioned within a sustainable location.

In this case it is considered that the location of the site, surrounding land uses and absence of any environmental designations, including potential for flooding, would satisfy Policy AW2. Furthermore, in addition to local bus services, the site is within walking distance of a school and local shops and services, including the new Co-op store on Brecon Road.

Residential proposals would also be subject to other policy considerations, including access, appearance, landscaping, layout and scale, and whether the development would be unacceptably detrimental to neighbouring occupiers. Submission of these details would be a requirement of a reserved matters application.

Therefore, noting the location of the site and the pattern of development within the area and surrounding uses, it is considered the principle of the residential development of the plot is acceptable.

Impact on the character and appearance of the area

The extent of the site, as demonstrated by the submitted indicative layout plan, evidences that it would be physically capable of accommodating five new dwellings

in a linear layout, and with driveway accesses leading directly from the highway. This arrangement would mirror the line of existing properties which face towards Brecon Road.

That said, whilst the principle of development could be acceptable, how these dwellings would integrate within the street scene and relate to other neighbouring properties is a significant material consideration, and one which would have to satisfy a future reserved matters application.

Nevertheless, all of those residents who submitted objections referenced the loss of the public open space and, in addition to noting the visual benefits of the green area, felt that it ought to be retained for community use and informal play by children. It was pointed out that much of the application site had once been part of the Brecon Road gardens and should be kept open in nature.

LDP Policy AW6 recognises that informal public open spaces play a significant role in improving physical and mental health and well-being. Whether the loss can be justified is a matter for Members to determine. However the closest alternative green space of size is at the recreation ground further to the south, which incorporates pitches and play equipment. From the westernmost point of the application site, as the crow flies, the ground is approximately 210m away.

On balance and given the proximity of the alternative provision for play at the recreation ground, it is considered that the development would not be harmful to the character and appearance of the local area.

Impact on neighbouring occupiers

During the consultation period, the matter of privacy was raised by objectors at Brecon Road, since there would be the potential for any new dwellings to overlook gardens or enable views towards habitable rooms.

As part of any future application the potential detriment to neighbouring residents would be a key consideration in determining whether or not reserved matters approval would be appropriate. The reason for this is that the distance between the rearmost elevations of the Brecon Road properties and the site boundary ranges between 7.7m and 16.4m. The application site is also at a higher level than Brecon Road, which could exacerbate any overlooking.

Furthermore, residents have stated that on account of a Compulsory Purchase Order some years, as part of the Tower Flats development, they were granted a right of access across the land to enable rear access to gardens; ergo the development would now frustrate this.

In respect of the latter, should outline consent be granted, the enforcement of any rights would be a matter outside of the planning system. However, there is no reason why a corridor of land could not be retained to provide continued access, albeit that this would be for the Council to agree with residents separately.

Nonetheless, with regard to privacy, at this stage the impact of development cannot be assessed since this would depend upon the position of any houses, their relative height compared with those at Brecon Road, and how fenestration would be arranged.

In principle it is possible that five dwellings could be constructed such that they would neither cause significant detriment to the outlook or privacy of other residents, nor be likely to cause overshadowing. As an outline application and in terms of the impact on neighbouring occupiers, the proposed development is therefore considered to be acceptable.

Highways and accessibility

The highway leading to both the application site and the Junior School has a carriageway width of 5.8m, and has footways that vary in width between 1.8m and 2m. In addition there is a parking lay-by which is currently used for parking in association with the school and for picking up and dropping off pupils at the start and end of the school day.

The Highways and Transportation section considered is acceptable for safe vehicular and pedestrian movement but has concern that the proposal will result in the loss of the lay-by car parking facilities.

With regard to off-street parking requirements for the new dwellings, since this is an outline application with all matters reserved, provision would be expected to be in accordance with the Council's SPG for Access, Circulation & Parking.

There are a number of statutory undertakers poles located within the verge area of the site and could potentially require diversion or relocating and access would be required at all times to the existing electricity sub-station which has been maintained on the submitted plot layout plan.

Consequently, despite the loss of the lay-by, this concern would not warrant a highway objection as there is potential to provide off-street car parking within the school grounds. On balance the proposal is considered acceptable.

Conditions and the scope of outline consent

Welsh Government Circular WGC 016/2014 - The Use of Planning Conditions for Development Management, advises that local planning authorities may wish to impose conditions relating to anything other than the reserved matters, when outline permission is granted.

The Circular explains that this may be appropriate if there are certain aspects of the development that are crucial to the decision, such as the retention of particular landscape features. Conversely, if and when reserved matters are approved, conditions which directly relate to those matters should be imposed at that stage.

Therefore with the exception of those conditions recommended below and in accordance with the Circular, it is proposed that the detail of other conditions

proposed by consultees should be incorporated within advisory notes to provide guidance to the developer.

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.

Conclusion

Noting that all matters have been reserved, it is considered that the information submitted with the application demonstrates that the site would be able to accommodate five dwellings and that their design, layout, appearance and scale, as well as its access, could be arranged such that they would satisfactorily address the material determining issues.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

1. (a) Approval of the details of the appearance, landscaping, layout and scale of the buildings, the means of access to the site 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 of the Town and Country Planning Act 1990.

2. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by

the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. 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.

Reason: To ensure the adequacy of the proposed development, in the interests of highway and safety.

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PLANNING & DEVELOPMENT COMMITTEE

20 DECEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1080/08
(GH)
APPLICANT: Rhondda Cynon Taf CBC
DEVELOPMENT: Residential Development (Outline).
LOCATION: LAND ADJACENT TO JUNCTION OF GWLADYS STREET AND HEOL KEIR HARDIE, PENYWAUN, ABERDARE
DATE REGISTERED: 15/10/2018
ELECTORAL DIVISION: Penywaun

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

By virtue of its position within the settlement boundary and sustainable location the proposed development would be in accordance with LDP Policies AW1, AW2 and NSA12. The granting of outline consent would help to improve housing land supply and give local residents the chance to construct self-build dwellings by simplifying the process of locating suitable sites and identifying any constraints.

Furthermore, the principle of residential development would be in keeping with the surrounding land uses and the application demonstrates that the site could be subdivided for new dwellings to be sited sympathetically both in the context of the street scene and their relationship with other properties.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Outline planning permission is sought for the construction of two dwellings on land adjacent to the junction of Gwladys Street and Heol Keir Hardie, Penywaun. The

parcel of land is irregular in shape and encompasses an area of approximately 0.1ha.

Although the application is made in outline with all matters reserved for future consideration, the submission is accompanied by an illustrative layout. This demonstrates that the site would be subdivided into two parcels, having a surface area of 510m² and 520m².

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

Width: 4m to 12m

Depth: 6m to 12m

Height 5m to 11m

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

As explained at a previous Committee presentation, 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.

The application has been accompanied by a Coal Mining Risk Assessment

SITE APPRAISAL

The application property is a piece of land located adjacent to the junction of Gwladys Street and Heol Keir Hardie, Penywaun.

As noted above the surface area of the land amounts to just over 0.1 hectares and is maintained as a grassed public open space area. Like the surrounding land there is a fall in level towards the north.

The land is accessed from Gwladys Street, which together with the entrance to Heol Keir Hardie form the south and western boundaries, whilst to the north and east the land abuts the curtilages of neighbouring dwellings.

The land is not subject to any environmental designations or constraints.

PLANNING HISTORY

There are no recent or relevant applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to thirteen neighbouring properties and notices were displayed on site.

One letter of objection has been received from a neighbouring resident relating to the impact on outlook and privacy, and that the area is used by children as a playing field. These matters are considered within the body of the report further below.

CONSULTATION

Highways and Transportation - no objection subject to conditions.

Public Health and Protection - no objection subject to conditions regarding noise, dust, waste, demolition, hours of operation.

Dwr Cymru/Welsh Water - DC/WW requests that conditions relating to sewerage and surface water be applied should the development received consent, and notes that the site is crossed by a sewer.

Land Drainage - a condition is suggested in respect of surface water drainage.

Wales and West Utilities - WWU notes the proximity of underground services to the application site, including a gas main crossing the southern part of the site, and has supplied a list of general conditions and a plan.

Countryside - Ecologist - the site is mown amenity grass with very minimal ecological value.

The Coal Authority - no objection, subject to there being no development involving substantial ground works within the area of the coal outcrop to the south of the application site.

Western Power Distribution - a new connection or service diversion would require consent from WPD.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Penywaun

Policy AW1 - sets out the criteria for new housing proposals

Policy AW2 - promotes development in sustainable locations

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

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

Policy AW10 - does not support development where unmitigated environmental, public health or amenity risks are present.

Policy NSA12 - supports housing development within defined settlement boundaries

Supplementary Planning Guidance (SPG)

1. Design and Placemaking
2. Access, Circulation & Parking Requirements

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 policy guidance considered:

PPW Technical Advice Note 12 - Design

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 proposed development

The application relates to outline consent for the construction of two dwellings within a parcel of land located within the settlement boundary for Penywaun.

Policies NSA12 and AW1 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, where located within or adjacent to defined settlement boundaries in the Northern Strategy Area.

Whilst Policy AW1 is supportive of the general principle of development at this site, the criteria stipulated by Policy AW2 also require that development proposals should be positioned within a sustainable location.

In this case it is considered that the location of the site, surrounding land uses and absence of any environmental designations, including potential for flooding, would satisfy Policy AW2. Furthermore, in addition to local bus services, the site is within walking distance of local shops and services, including those at Heol Bryn Gwyn.

Residential proposals would also be subject to other policy considerations, including access, appearance, landscaping, layout and scale, and whether the development would be unacceptably detrimental to neighbouring occupiers. Submission of these details would be a requirement of a reserved matters application.

Therefore, noting the location of the site and the pattern of development within the area and surrounding uses, it is considered the principle of the residential development of the plot is acceptable.

Impact on the character and appearance of the area

It is proposed that the application site would be subdivided into two plots of almost equal size, although due to the irregular shape of the land, the footprints of each would be dissimilar.

Whilst this variation in form would dictate that the dwellings might be positioned differently, the generous plot size, in excess of 500m², means that they could each easily accommodate a dwelling, and provide acceptable on-site parking and amenity space.

Similarly, the scale of the dwellings, in terms of the dimensions of their footprints, show that there is the potential for the plot to be subdivided in order to allocate an acceptable amount of garden space for both the new houses.

Nonetheless, the development cannot be considered fully, in terms of its appearance and impact on the street scene, until such time as the detailed design proposals and supporting information are received as part of a reserved matters application.

Lastly, the objector noted that the land was being used by children as a play area and it is acknowledged that the development of the site would prevent such use.

However there is a football pitch and open space on the opposite side of Gwladys Street, and a large enclosed formal play area and green space a little further to the north, between Gwladys Street and Awelfryn.

Consequently, it is considered that the proposal for outline development will not detract from the character or appearance of the area.

Impact on neighbouring occupiers

Prior to the later submission of full details it is not possible to provide a meaningful assessment of the likely impact of any outline development on the amenity of neighbouring residents.

As highlighted further above, an objection was received from a resident at Heol Keir Hardie, albeit not of one of the properties to the rear of the site, highlighting concerns about overlooking and the impact on view.

However, since the details of the design and position of the dwellings would be part of a later application, it is not known whether there would be any windows capable of causing overlooking or if the distance by which they would be separated from existing properties would be sufficient to maintain privacy.

Similarly, the scale and siting of the new dwellings is not known and it is therefore not possible to judge whether the relationship between their elevations and those of the neighbouring houses is acceptable and would not cause harm to outlook.

Therefore, at this stage it appears possible that two dwellings could be constructed such that they would neither cause significant detriment to the outlook or privacy of other residents, nor be likely to cause overshadowing. Therefore in terms of the impact on neighbouring occupiers, the principle of development is considered to be acceptable.

Highways and accessibility

The application site faces towards Gwladys Street which has a carriageway width of 6.5m, 2m wide footways and a 20mph speed limit; and are considered acceptable for safe vehicular and pedestrian access. There is an existing bus stop opposite the site with a shelter and raised boarder kerbing.

Adjacent to the proposed is the junction of Heol Keir Hardie which is a residential street. In order to maintain visibility from the existing junction of Heol Keir Hardie a condition requiring a visibility splay of 2.4m x 22m has been suggested.

It is noted that there are a number of services located within the plot, such as a manhole, BT box and post box, which may require relocating. This would be at the developer's cost and to the satisfaction of the relevant statutory undertaker.

Off-street car parking should be provided in accordance with the Council's SPG Access, Circulation & Parking 2011 and an advisory note has been added to address this issue. Whilst a condition requiring a Construction Management Statement has

been requested, it is not considered that this is necessary or appropriate in relation to a development of two dwellings.

The site is located in a sustainable location close to a number of local facilities and public transport and since off-street parking and access are reserved matters for future consideration, the proposal is acceptable.

Conditions and the scope of outline consent

Welsh Government Circular WGC 016/2014 - The Use of Planning Conditions for Development Management, advises that local planning authorities may wish to impose conditions relating to anything other than the reserved matters, when outline permission is granted.

The Circular explains that this may be appropriate if there are certain aspects of the development that are crucial to the decision, such as the retention of particular landscape features. Conversely, if and when reserved matters are approved, conditions which directly relate to those matters should be imposed at that stage.

Therefore with the exception of those conditions recommended below and in accordance with the Circular, it is proposed that the detail of other conditions proposed by consultees should be incorporated within advisory notes to provide guidance to the developer.

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.

Conclusion

Noting that all matters have been reserved, it is considered that the information submitted with the application demonstrates that the site would be able to accommodate two new dwellings and that their design, layout, appearance and scale, as well as their access, could be arranged such that they would satisfactorily address the material determining issues.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. (a) Approval of the details of the appearance, landscaping, layout and scale of the buildings, the means of access to the site 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 of the Town and Country Planning Act 1990.

2. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. 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.

Reason: To ensure the adequacy of the proposed development, in the interests of highway and safety.

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PLANNING & DEVELOPMENT COMMITTEE

20 DECEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

APPLICATION NO: 18/1079/08
(GH)
APPLICANT: Rhondda Cynon Taf CBC
DEVELOPMENT: Residential development (Outline).
LOCATION: LAND EAST OF AND ADJACENT TO THE JUNCTION
OF BRYNMAIR ROAD AND FFORCHAMAN ROAD,
CWMAMAN, ABERDARE
DATE REGISTERED: 24/09/2018
ELECTORAL DIVISION: Aberaman South

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The proposal would be in keeping with surrounding land uses and the application demonstrates that a dwelling could be sited such that it would be sympathetic to the context of the street scene and its relationship with neighbouring properties. In addition outline planning consent would provide a well-located development plot that would offer a convenient opportunity for a self-build dwelling to meet the housing needs of local residents.

Consequently, the proposed development, being located within the settlement boundary and in a sustainable location, as defined by LDP Policies AW1, AW2 and NSA12, is considered to be acceptable in principle.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Outline planning consent is sought for the construction of one dwelling on land adjacent to the junction of Fforchaman Road and Brynmair Road, Cwmaman. The land is irregular in shape and encompasses an area of approximately 0.056ha.

Although the application is made in outline with all matters reserved for future consideration, the submission is accompanied by an indicative layout and supporting

information which demonstrates that a single dwelling is proposed, with direct access from the existing 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

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

As explained at a previous Committee presentation, 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 application property is a piece of land located within the north-eastern side of Cwmaman, and which is adjacent to the mini roundabout at the junction of Brynmair Road and Fforchaman Road.

The surface area of the land amounts to 566m² and although mostly flat is of a tapering shape which widens considerably to the south-west.

Currently maintained as a grassed public open space, the land is enclosed by the public highway to the north-west, the boundary no.113 Fforchaman Road to the south and open land and allotments to the east.

The land is not subject to any environmental designations or constraints.

PLANNING HISTORY

There are no recent or relevant applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to seven neighbouring properties and notices were displayed on site.

Twenty-one letters of objection have been received raising concerns in respect of the following:

- Highway safety and on-street parking issues
- There are a culvert and water main below the surface. A resident was advised that the ground could not be built on because of these. Welsh Water rerouted a pipe to supply Pit Row under the land.
- The ground is used by wildlife and there is Japanese Knotweed on part of the site
- The land is one of the few remaining green areas on the main road and it is used as a play area, for residents to meet and sit on the bench, and for community gatherings
- A resident has a side entrance opening onto the land
- A building on the land would cause overlooking of the closest house, which has a side window, and overlooking of others.
- Development would not respect the local context and street pattern, being of a scale and proportions at odds with the traditional terraced houses and causing cramming
- The proposal would not comply with Government guidance

These matters are considered within the body of the report further below.

CONSULTATION

Highways and Transportation - no objection subject to conditions.

Public Health and Protection - no objection subject to conditions regarding noise, dust, waste, demolition, hours of operation.

Dwr Cymru/Welsh Water - DC/WW requests that conditions relating to sewerage and surface water be applied should the development received consent.

Wales and West Utilities - WWU notes the proximity of underground services to the application site, and has supplied a list of general conditions and a plan.

Countryside - Ecologist - the site is mown amenity grass with very minimal ecological value, and contains a section with Japanese Knotweed.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies adjacent to the settlement boundary for Cwmaman.

Policy AW1 - sets out the criteria for new housing proposals

Policy AW2 - promotes development in sustainable locations

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

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

Policy AW10 - does not support development where unmitigated environmental, public health or amenity risks are present.

Policy NSA12 - supports housing development within defined settlement boundaries

Supplementary Planning Guidance (SPG)

- Design and Placemaking
- Access, Circulation & Parking Requirements

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 policy guidance considered:

PPW Technical Advice Note 12 - Design

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 proposed development

The application relates to outline consent for the construction of one dwelling within a parcel of land located adjacent to the settlement boundary for Cwmaman.

Policies NSA12 and AW1 of the Local Development Plan are supportive of the principle of the development of new housing on unallocated sites, where located within or adjacent to defined settlement boundaries in the Northern Strategy Area.

Whilst Policy AW1 is supportive of the general principle of development at this site, the criteria stipulated by Policy AW2 also require that development proposals should be positioned within a sustainable location.

In this case it is considered that the location of the site, surrounding land uses and absence of any environmental designations, including potential for flooding, would satisfy Policy AW2. Furthermore, in addition to a frequent local bus service, there are a small number of shops and services within walking distance further to the south.

Residential proposals would also be subject to other policy considerations, including access, appearance landscaping, layout and scale, and whether the development would be unacceptably detrimental to neighbouring occupiers. Submission of these details would be a requirement of a reserved matters application.

Therefore, noting the location of the site and the pattern of development within the area and surrounding uses, it is considered the principle of the residential development of the plot is acceptable.

Impact on the character and appearance of the area

The submitted plan, illustrating the extent and size of the plot, demonstrates that it would be physically possible to construct a dwelling within the proposed parameters of scale, whilst there would be ample room for off-street parking and garden amenity space.

However, without specific design details and the supporting information that would usually accompany a full or later reserved matters application, it is not possible to assess the development in terms of its visual impact.

The concerns highlighted by an objector in respect of how a new dwelling would integrate with the urban form and traditional linear terraces are material considerations, albeit ones that would be more relevant to a reserved matters application.

As an outline application, it would not be reasonable to recommend refusal on these grounds, since it would imply that no dwelling of any design could be accommodated acceptably on the site.

In addition, although the majority of nearby properties are of Victorian origin, there are some variations in design. Many of these houses have also been subject to work or modernisation that has changed their appearance and reduced the sense of uniformity.

A further objection to the proposal, referenced in all of the representations from residents, is in respect of the loss of an attractive and well-used public open space. LDP Policy AW6 recognises that informal public open spaces play a significant role in improving physical and mental health and well-being. However, within a short walking distance of the site there are large areas of publicly owned open space to the south-east and north, and a network of footpaths and public rights of way linking them.

In light of the above and whilst the views of objectors are acknowledged, it is considered that the granting of outline consent would not cause detriment to the character and appearance of the site and surrounding area.

Impact on neighbouring occupiers

As an outline application it is not possible to qualitatively assess any impact on other occupiers without the submission of full details, and any future consent would likely be subject to a range of standard conditions which might deal with matters pertaining to amenity.

Nonetheless, the matter of harm to privacy was raised by objectors, noting that a dwelling would enable overlooking of habitable rooms and gardens, in particular numbers 61 and 113 Fforchaman Road.

Whilst the concerns of objectors are appreciated, how a new dwelling would be positioned within the large plot area would be subject to a further application, and whether or not any windows would enable intrusive views remains towards either of the properties remains to be seen. In addition, the relationship between the properties on both sides of Fforchaman Road is one of close proximity where a degree of mutual overlooking already exists.

Consequently, there is no evidence to suggest that a dwelling could not be constructed such that it would neither cause significant detriment to the outlook or privacy of other residents, nor be likely to cause overshadowing. Therefore in terms of the impact on neighbouring occupiers, the principle of development is considered to be acceptable.

Highways and accessibility

The application site is served from Fforchaman Road which has a carriageway width of 7.8m and 1.8m wide footways. The Highways and Transportation Section is therefore of the view that this is acceptable for safe vehicular and pedestrian movement.

There is concern with regards the location of the mini roundabout and existing traffic regulations, which are in place to protect the free flow of traffic and operation of the

existing mini roundabout. This is of particular relevance given that Fforchaman Road is a no through road and a bus route.

Off-street car parking should be provided in accordance with the Council's SPG Access, Circulation & Parking 2011 and an advisory note has been added to address this issue. Whilst a condition requiring a Construction Management Statement has been requested, it is not considered that this is necessary or appropriate in relation to a development of one dwelling.

Ecology

The Council's Ecologist has noted that the majority of the site is mown amenity grass which has very minimal ecological value.

However, the presence at the rear of the site of scrub and a bank of Japanese Knotweed has implications for any future consent, and whilst the Ecologist has stated that a Habitat Survey would not be required, any approval of reserved matters may require a condition for a treatment scheme.

Other Issues

Objectors have referred to the presence of underground services at the site and the presence of a culverted watercourse is known. Any modification would be subject to Ordinary Watercourse Consent, which is a regime separate from the planning process.

Similarly the implementation of any future reserved matters approval would have to address the concerns of statutory undertakers, although these considerations are not material planning concerns.

Conditions and the scope of outline consent

Welsh Government Circular WGC 016/2014 - The Use of Planning Conditions for Development Management, advises that local planning authorities may wish to impose conditions relating to anything other than the reserved matters, when outline permission is granted.

The Circular explains that this may be appropriate if there are certain aspects of the development that are crucial to the decision, such as the retention of particular landscape features. Conversely, if and when reserved matters are approved, conditions which directly relate to those matters should be imposed at that stage.

Therefore with the exception of those conditions recommended below and in accordance with the Circular, it is proposed that the detail of other conditions proposed by consultees should be incorporated within advisory notes to provide guidance to the developer.

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.

Conclusion

Noting that all matters have been reserved, it is considered that the information submitted with the application demonstrates that the site would be able to accommodate a new dwelling and that its design, layout, appearance and scale, as well as its access, could be arranged such that it would satisfactorily address the material determining issues.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. (a) Approval of the details of the appearance, landscaping, layout and scale of the buildings, the means of access to the site 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 of the Town and Country Planning Act 1990.

2. Direct vehicular access to the site from the mini-roundabout at the junction of Fforchaman Road and Brynmair Road is not permitted.

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

3. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. 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.

Reason: To ensure the adequacy of the proposed development, in the interests of highway and safety.

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