



**RHONDDA CYNON TAF**

**CYNGOR BWRDEISTREF SIROL  
RHONDDA CYNON TAF  
COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Jess Daniel- Democratic Services (07385401877)

A meeting of the **Planning and Development Committee** will be held **ON SITE** on **TUESDAY, 9TH NOVEMBER, 2021** as detailed hereunder.

**AGENDA**

**DECLARATION OF INTEREST** - To receive disclosures of personal interests from Members in accordance with the Code of Conduct.

**Note:**

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest, they **must** notify the Chairman when they leave.

<b><u>TIME</u></b>	<b><u>VENUE</u></b>	<b><u>PURPOSE</u></b>
<b><u>10:00</u></b>	Land to the south of 25-41 Kennard Street, Ton Pentre, CF41 7AY	<b>APPLICATION NO: 21/0591/10</b> Stable Block and Manège (Revised Ownership Certificate 'B' received 7th July 2021. Revised plans with altered site layout - repositioning stable block and reducing its size - received 31st August 2021)

<b><u>TIME</u></b>	<b><u>VENUE</u></b>	<b><u>PURPOSE</u></b>
<b><u>10:45</u></b>	Land south of Taff Terrace, Clydach Vale, Tonypany	<b>APPLICATION NO: 21/0687</b> 2 pairs of semi-detached houses.

## **Service Director of Democratic Services & Communication**

### **Circulation:-**

#### **Members of the Planning & Development Committee**

The Chair and Vice-Chair of the Planning & Development Committee  
(County Borough Councillor S Rees and County Borough Councillor G Caple  
respectively)

County Borough Councillors: Councillor J Bonetto, Councillor D Grehan,  
Councillor G Hughes, Councillor P Jarman, Councillor W Lewis, Councillor W Owen,  
Councillor J Williams, Councillor D Williams and Councillor S Powderhill

Service Director of Democratic Services & Communication  
Director of Prosperity & Development  
Head of Major Development and Investment  
Head of Planning  
Senior Engineer

#### **Site 1**

Non Committee/ Local Member – Shelley Rees-Owen and Maureen Weaver

#### **Site 2**

Non Committee/ Local Member – Mark Norris



## PLANNING & DEVELOPMENT COMMITTEE

21 OCTOBER 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0591/10 (GH)  
**APPLICANT:** Valley Veterans  
**DEVELOPMENT:** Stable Block and Manège (Revised Ownership Certificate 'B' received 7th July 2021. Revised plans with altered site layout - repositioning stable block and reducing its size - received 31st August 2021)  
**LOCATION:** LAND TO THE SOUTH OF 25 - 41, KENNARD STREET, TONPENTRE, PENTRE  
**DATE REGISTERED:** 07/07/2021  
**ELECTORAL DIVISION:** Pentre

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

**REASONS:** The development would provide an exciting opportunity for the Valley Veterans charity to provide equestrian related facilities for the benefit of its members and the wider community. The site occupies a sustainable location within the settlement boundary and would not result in a detrimental impact upon the amenity of the occupiers of the neighbouring dwellings, or harm to highway safety, subject to conditions. It is therefore considered that the application would comply with Local Development Plan Policies AW5, AW6, AW8 and AW10.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning consent is sought to construct a stable block and manège for the keeping of horses, on land to the south and rear of 25-41 Kennard Street, Ton Pentre.

The land in question has been acquired by the charity Valley Veterans to pursue their Equi-Grow project. The charity was founded over ten years ago to support ex-servicemen suffering from PTSD and this scheme is intended to provide equestrian, horticultural, and social enterprise activities for the benefit of their members.

The current proposal represents the first phase of the project and the plans originally submitted comprised a large U-shaped stable block to be constructed at the south-eastern end of the site, containing seven stables and separate tack and feed rooms.

The block would have had a depth of 13.76m and a width of 20.9m, with rendered elevations to be enclosed by a 4m high roof of reconstituted slates, projecting forward of the stable entrances in the form of a veranda.

To the front of the stables the ground would have been levelled to form a manège, where its length of 20m and width of 15m would create a 300m<sup>2</sup> training area. The manège would be enclosed by a rail fence and its surface water drained to a tank below ground.

However, due to concerns about smells and residential amenity, and on receipt of a number of objections in this regard, a site meeting was held with the Applicant, together with a representative from the Armed Forces and others, to discuss potential revisions.

Subsequently, a revised plan was received which reduced the width of the stable to a maximum of 8.6m and reduced the number of stables from seven to five. The stable block has been repositioned to be at the furthest possible point from the properties on Kennard Street, and reoriented so that the stable entrances face south-west.

Access to the site would continue to be gained from an existing track across the adjoining land. This track connects with the unadopted, unmade lane to the north-west and then forms a junction with the highway adjacent to 41 Kennard Street.

## **SITE APPRAISAL**

The application property is a large piece of unallocated land located within the settlement boundary to the rear of Kennard Street in Ton Pentre. It is of a rectangular form and the part proposed for the stables and manège comprises a surface area of 0.116 hectares.

The site is accessed from the north-east via Parish Road, which connects directly with Kennard Street, and which also provides access to the rear of neighbouring properties and other landholdings.

The closest dwellings are numbers 25 to 41 Kennard Street whose rear gardens back on to the site. The land rises in level towards the south, so these gardens are at a lower level than that where the development would be located.

It is noted that the application site is part of a much larger area of the Rhondda Fawr which is designated as a Registered Landscape of Outstanding Historic Interest in Wales.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

**06/0363/10:** Proposed development of semi and detached residential three bedroom dwellings at the rear of Kennard Street (revised layout and sections received 19/05/10). Decision: 13/07/2011, Withdrawn by Applicant.

**05/0763/10:** Construction of 10 detached 4 bedroom residential dwellings. Decision: 27/02/2006, Withdrawn by Applicant.

## **PUBLICITY**

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

A petition, in the form of a collection of identical signed statements, has been received from 9 households with 13 signatories. The statement reads "I confirm that I am happy for Valley Veterans to carry out any works necessary on the land at the rear of Kennard Street, Ton Pentre, to aid their vision for supporting veterans and the wider community in the future".

Nine objections have also been received, raising concerns about drainage, overlooking/loss of privacy, land stability, noise, waste management, inadequate access, smells from stables, site security and visual impact.

One of the respondents has both objected and signed a statement in support.

On receipt of the revised plans the aforementioned nineteen properties were reconsulted and new notices displayed on site.

Further letters of objection were received from three households reiterating the concerns mentioned above.

## **CONSULTATION**

### Highways and Transportation

No objection to phase 1 of the scheme, subject to conditions.

### Flood Risk Management

Due to the area falling within a high, medium and low surface water and ordinary watercourse flood risk, together with there being open watercourse channels within or within close proximity to the site, a drainage condition would be required to satisfy the requirements of TAN15.

### Public Health and Protection

No objections subject to conditions in respect of demolition, hours of construction, noise, dust, and waste. However, given that these matters can be controlled within existing Public Health legislation, it is considered that an informative note would be most appropriate.

### Natural Resources Wales

No comments to make since the development does not affect a matter of concern to NRW.

### Dwr Cymru Welsh Water

No comments since the proposal does not involve discharge to a public sewer.

### Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

### Countryside – Ecologist

The site has been extensively cleared and little or no original vegetation is present. To provide necessary biodiversity enhancement the incorporation of a minimum of 3 nesting bird boxes on the new stable buildings would be required, with details to be sought and approved by condition.

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 Ton Pentre

**Policy CS1** - The policy emphasis in the Northern Strategy Area (NSA) is on building strong and sustainable communities, including development which promotes the re-use of previously developed land and buildings.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. The development would also require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Additionally, proposals must be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - Seeks to protect and enhance the natural environment from inappropriate development.

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

### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and 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.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 15: Development and Flood Risk

PPW Technical Advice Note 16: Sport Recreation and Open Space

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.

### **Main Issues:**

#### **Principle of the proposed development**

The proposal seeks planning permission for the construction of a stable block and associated manège for the use of Valley Veteran's members.

The application site is located to the rear of Kennard Street which represents the current limit of the developed residential area where it meets the adjoining open land, albeit that the application site is within the defined settlement boundary.

Whilst the keeping of horses for either leisure or farm diversification purposes is not acknowledged as an agricultural land use or activity, it is both appropriate and reasonable that both they and any related facilities, such as stabling and exercise areas, are located on undeveloped or unallocated sites where there is sufficient space and convenient links to other land and routes for horse riding.



In light of the above, and given its sustainable location, the development would be considered acceptable in principle, subject to consideration of the material matters below.

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

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials, and overall visual appearance. This view is taken for the following reasons:

The stables would be located in a logical position at the end of the site, providing direct access to the adjacent manège. The manège would not constitute a development of great mass, and any structures for this part of the scheme would relate only to the post and rail fence necessary for enclosing the training area.

The rectangular layout of the stable block, combined with the proposed render finish and slate roof, would provide an attractive and fit-for-purpose design. Furthermore, due to its location, scale and single storey height, relative to the closest other properties and set against the rising land levels to the south, it would not be visually intrusive or harmful to the Registered Landscape designation.

Therefore, the proposed development is considered to be acceptable in terms of its overall visual appearance and would not detract from the character or appearance of the site or surrounding area.

### **Impact on neighbouring occupiers**

Several objections were raised by the occupiers of the adjacent dwellings located along Kennard Street following the public consultation process. Other than those relating to drainage, land stability and access, which are considered elsewhere in the report, these concerns were largely in respect of amenity issues such as overlooking, noise, and nuisance smells from stables and animal waste storage.

It is acknowledged that the setting of the application site is on the very edge of the settlement and close to open countryside, and that this area could be used for a large number of animals to graze or exercise without the need for planning consent. However, the proximity of the nearest dwellings is a key consideration to ensure that the development would not cause an unacceptable detrimental impact to the amenity of the occupiers of those properties.

Originally, as outlined within the 'Application Details' section, the proposed stables and manège would have been around 7m from the rear garden boundaries and approximately 20m from the rear elevations of the closest adjacent properties at 27 and 28 Kennard Street to the north-east.

Although the physical presence of the stable block would not likely be harmful to the amenity of the neighbouring residents, there was a significant concern that the stabling of seven horses might result in a high degree of nuisance, primarily through the generation of odour generation from the animal's presence, the storage of waste on site and the comings and goings associated with their care.

Development Control Practice (DCP) notes that stable buildings which are near to residential properties often attract objections on the basis that smell and possibly health hazards such as rats and flies would occur, albeit that a key issue is whether there would be a sufficient distance between such buildings and residential properties to prevent such adverse conditions for neighbours.

However, by relocating the stables to the most south-western part of the site this has increased the distance between the block and the Kennard Street garden boundaries to 16.5m. Correspondingly, the distance between the block and the nearest rear elevation would be in excess of 30m. Furthermore, the stables would be arranged such that their entrance doors would face away from Kennard Street and towards open countryside

Having taken the above into account, it is considered that the revisions are sufficient to prevent the development having an unacceptable degree of harm to the amenity of the surrounding properties. Subject to conditions in respect of manure storage, external lighting, and boundary treatments, the latter two to address any concerns about light pollution and overlooking towards rear gardens, the application is therefore considered acceptable in this regard.

### **Access and highway safety**

#### Access

The development would be accessed via a private un-metalled sub-standard lane leading to the site from a junction with Kennard Street.

Kennard Street has a carriageway width of 7.5m, a footway width of 2m opposite the site access point, a footway width of 2.4m on the eastern side of the access, and no footway on the western side of the access.

#### Lane Access

The access lane leading off Kennard Street is sub-standard in terms of structural integrity, surface water drainage, and lacks width for safe two-way vehicular movement; all of which would lead to increased hazards to the detriment of safety of all highway users.

Although the proposed development would generate limited additional traffic, being for the stabling of 5 horses with exercise manège, there is potential for the increased

vehicular traffic to drag mud and debris onto the public highway and block the existing highway drainage system. Therefore, should the application be recommended for approval, the Highways and Transportation Section recommends a condition for the first 20m of the lane to be surfaced in permanent material, prior to beneficial use of the first stable.

#### Piecemeal Development

The submitted site drawing indicates that the proposed development would be for phase 1 only, although the Applicant indicates future plans for a garage workshop and accommodation building for phase 2.

The Transportation Section has commented that the lane width and condition would not accommodate the increase in vehicular and pedestrian movement for phase 2, unless it was widened to a minimum of 5.5m, surfaced in permanent material and drained, and segregated pedestrian facilities were provided.

Whilst the matter under consideration for the current proposal is just phase 1, phase 2 would be subject to a highway objection in terms of highway safety unless the aforementioned matters were able to be resolved.

#### Parking

It is noted that no off-street car parking has been specifically allocated for phase 1. Therefore a condition for the provision of 5 off-street spaces, large enough to accommodate a 4x4 and horse box, has been suggested.

#### Highway Safety Conclusion

Since the proposal would generate limited vehicular movements from and across the sub-standard access, phase 1 only would be acceptable subject to a number of conditions regarding the surfacing of the lane, parking provision and prevention of surface water discharge to the public highway.

#### **Surface Water Management**

The site location plan provided identifies that the existing site boundary is green field. The Flood Risk Management team has advised that NRW flood risk plans show the site has a high Q30 surface water flood risk along the current track situated to the rear of no's 32-37 Kennard Street. There is also a medium Q100 surface water flood risk within the same location as the Q30 area identified above but which also conveys towards and into the rear gardens of 36 & 37 Kennard Street. A low Q1000 surface water flood risk runs the entire length of the site covering most of its surface area.

NRW flood plans are also supported by Flood Risk Assessment Wales (FRAW) 2020 plans, which concur with the locations of the high surface water areas and ordinary

watercourse as well as showing a larger area of the land being affected by a medium surface water and ordinary watercourse flood risk than the NRW plans.

The applicant has stated that the method of disposing storm and surface water would be via a sustainable drainage system and a large holding tank has been incorporated into the plans. From the perspective of the Lead Local Flood Authority, the key element required to satisfy PPW TAN15 would be the surface water discharge rate and the applicant would be required to demonstrate the pre and post catchment discharge rates.

Furthermore, the proposed development will encompass works that have drainage implications for a construction area over 100m<sup>2</sup> and the requirements of Schedule 3 of the Flood and Water Management Act 2010 would apply. The development would therefore require an application for Sustainable Drainage Systems (SuDS) to be approved by the Sustainable Drainage Approval Body (SAB).

However, due to the site falling within high, medium, and low surface water areas and ordinary watercourse flood risk, in addition to the proximity of open watercourse channels, a condition for the submission of drainage details would also be considered necessary. Any proposals to modify the watercourse would also require separate Ordinary Watercourse Consent prior to works taking place.

In light of the above, and in the context of the complaints from neighbouring residents about drainage issues, the conveyance of surface water to their properties and concerns in respect of the stability of the site, it is likely that the measures identified above would result in a degree of betterment to the eastern part of the site where phase 1 would be located.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the preceding sections of the report, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development would provide community based facilities for both armed forces veterans and local residents.
- **Facilitating Accessible and Healthy Environments:** The application site is located close to a bus route with some services and facilities located within walking distance, and since it is within the settlement boundary, can be considered to be a sustainable location. It is not car-dependent and would promote physical and mental health and well-being for its users.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs.

In respect of the other national outcomes listed, the development would not be considered to have a negative impact.

### **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 not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

The Valley Veterans charity provides an extremely valuable service and support to ex-servicemen and the proposal would be a superb development for this local charity, its members and wider community.

The revisions to the scheme, in order to set the stable block further away from the dwellings at Kennard Street, together with a reduction in size, is considered sufficient to allay concerns about the impact upon neighbouring residents regarding odour and from the use of the site.

Therefore, for the reasons stated within the report, it is considered the proposal would not have an unacceptable detrimental impact upon the residential amenity of the nearest neighbouring properties or be harmful to highway safety. The application would therefore be considered to comply with Policies AW5, AW6, AW8 and AW10 of the Rhondda Cynon Taf 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 completed in accordance with the approved drawing number 2774 NB 02 (dated 28<sup>th</sup> August 2021 and relating to Phase 1 only), and details and documents received on 20<sup>th</sup> April 2021, 30<sup>th</sup> April 2021 and 31<sup>st</sup> August 2021.

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

3. No development shall commence until details of a scheme for the provision of a minimum of three nesting bird boxes, to be fitted to the stable building prior to beneficial use, has been submitted to and approved by the Local Planning Authority. The boxes shall be retained and maintained in good order in accordance with the approved details thereafter.

Reason: In the interests of nature conservation and to deliver a net biodiversity gain in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until full site drainage details have been submitted to approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15. 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.

5. No development shall commence until details of a scheme for the surfacing of the first 20 metres of the lane access leading from Kennard Street in permanent materials, together with its tie in with the adopted highway, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use of the first stable.

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

6. No development shall commence until details of a scheme for the provision of parking spaces for 5 vehicles/horse boxes have been submitted to and approved in writing by the Local Planning Authority. The spaces shall be laid

out prior to the beneficial use of the development and retained for the parking of vehicles thereafter.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the beneficial use of the development hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected along the north-eastern site boundary of the Phase 1 area shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved before the use is commenced.

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

8. Prior to the beneficial use of the development hereby approved, details of a scheme for the storage and management of manure and other waste shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated in accordance with the approved details thereafter.

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

9. With the exception of the south-west facing front elevation of the proposed stable block, no external lighting shall be erected or installed on site.

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

10. The stables and manège shall be used for the private stabling and use of horses associated with the members and beneficiaries of the Valley Veterans Charity and shall not be used for livery or any commercial purpose.

Reason: In the interests of residential amenity and to define the scope of the permission in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. 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.







## PLANNING & DEVELOPMENT COMMITTEE

21 OCTOBER 2021

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0687/10 (BJW)  
**APPLICANT:** Stradstone Ltd  
**DEVELOPMENT:** 2 pairs of semi detached houses.  
**LOCATION:** LAND SOUTH OF TAFF TERRACE, CLYDACH,  
TONYPANDY  
**DATE REGISTERED:** 11/05/2021  
**ELECTORAL DIVISION:** Cwm Clydach

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**RECOMMENDATION:** Approve

**REASONS:** The principle of housing on this site has been firmly established by the previous grant of outline permission followed by the subsequent application to extend this consent which have then expired.

The current proposal for the full consent at the site is for two pairs of semi-detached dwellings. It is considered that the slight increase in the number of dwellings would be a more productive use of this limited site and would provide an acceptable form of modern and contemporary development that would be in keeping with surrounding land uses, would be acceptable to the amenity of neighbouring properties, the visual amenity of the area and highway safety considerations.

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#### REASON APPLICATION IS BEING REPORTED TO COMMITTEE

Councillor Norris has requested that the application be reported to committee in order to address the use of a path to the nearby school (Cwmclydach Junior School).

#### APPLICATION DETAILS

Full planning permission is sought for the construction of two pairs of semi-detached dwellings on the site to the south of Taff Terrace, Clydach Vale, Tonypany.

The houses would be set back from the main highway of Taff Terrace with three parking spaces per dwelling arranged at the front of the site.

Each pair of houses is 10.5 m wide to the street; 7.5 m deep; 5.2 metres to eaves and 7.5 m to ridge and would feature the following accommodation:

- Hall, living room, store room and kitchen/dinning room at ground floor; and
- Three bedrooms and a bathroom at first floor level.

The houses would be rendered with an ivory thru-tone render to fit in with the rendered finish on the surrounding houses. Windows, bargeboards, fascias and soffits would be anthracite UPVC with black UPVC rainwater goods.

The existing highway surface is provided with surface water drainage via gullies. The footway to the frontage of the site and the adjacent builder's merchant has not been made up to the appropriate highway standard. It is therefore proposed that the footway be made up to link with existing and provide a kerb at the highway edge to direct all highway surface water into the existing gullies and stop any such surface water from running onto the site.

All parking areas and footpaths will be constructed in permeable paving. Front gardens will be laid to lawn and will be bounded by a steel boundary fence between brick piers. Rear garden boundaries would be close boarded timber fences 1.80 metres high to provide private rear garden amenity areas.

The site has a previous (outline) consent dating back to 2011 which was then renewed in early 2015. As it was not subsequently renewed at the beginning of 2020 it is now expired.

It should be noted that the initially submitted layout has been amended due to concerns raised by the Transportation Section in relation to pedestrian access to the front of the properties and the parking layouts for plots 1 and 4.

## **SITE APPRAISAL**

The application site is a vacant, largely rectangular, plot which is located within the settlement boundary on the northern side of the valley. The site has a frontage of 39m and an area of approximately 0.1 hectares (1019sq.m) falling away from Taff Terrace.

The site is situated within the established residential area of Clydach Vale in Tonypany. The surrounding area is predominantly late Victorian development most of which is typical valleys terraced houses. The existing dwellings on Taff Terrace face the rear of dwellings fronting Clydach Road, the main road through the village.

Downhill and to the east of the site is a development of detached suburban houses constructed circa 1989.

The site is on the edge of the former Cambrian Colliery reclamation scheme completed in 1989 and comprises of original ground at Taff Terrace and approximately 6 metres of engineered fill at the southern edge over the line of the former Taff Vale Railway branch line.

Since the completion of the reclamation scheme the site has remained unused.

## **PLANNING HISTORY**

21/0412	Land adjacent to 1 Taff Terrace, Clydach Vale	Renewal of planning permission for 3 dwellings (previous application 11/0214/13).	Withdrawn 24/05/2021
19/1089	Land adjacent to Taff Terrace, Clydach Vale	Extend the original planning permission 14/1419/15.	Withdrawn 30/01/2021
14/1419	Land on old Builders yard, Clydach, Tonypany, CF40 2BE	Variation of condition 1(C) of planning approval 11/0214/13 to extend the time limit for the submission of reserved matters for a further 3 years	Granted 15/01/2015
11/0213	As above	3 No. link terraced dwellings (outline)(amended description).	Granted 10/11/2011

## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. No responses have been received.

## **CONSULTATION**

Transportation Section – There is concern that the informal turning facility and access to the school will be removed as part of the proposal. However, taking into account this is an informal arrangement, the land is in the ownership of the applicant and there is existing permission granted for housing development, no highway objection has been raised, subject to conditions.

Land Reclamation and Engineering (Drainage) – no objection, subject to conditions to require the drainage arrangements to be submitted to and approved by the LPA and the agreed scheme implemented at the site. Advice is also offered in relation to Sustainable Drainage Approval and notifying the applicant of their requirements under Schedule 3 of the Flood and Water Management Act 2010.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction period, and standard informative notes.

Dwr Cymru Welsh Water – no objection, subject to conditions and informative notes. Also identifies a public sewer crossing the site to which no development shall be placed within 3 metres.

Countryside, Landscape and Ecology – no comments received within the consultation period.

## **POLICY CONTEXT**

The site is within the settlement boundary of Clydach Vale and is unallocated.

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

**Policy CS1** - sets out criteria for achieving sustainable growth.

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

**Policy AW2** - promotes development in sustainable locations.

**Policy AW4** - details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

**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 AW8** - only permits development where it would not cause harm to features of the natural environment.

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

**Policy NSA11** - the provision of at least 10% affordable housing will be sought on sites of 10 units or more.

**Policy NSA12** - supports housing development within and adjacent to 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.

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the relatively modest scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it

is not considered the policies set out in the document are specifically relevant to this application.

Other relevant national policy guidance consulted:

Technical Advice Note 2 (2006): Planning and Affordable Housing

Technical Advice Note 12 (2016): 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 development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan.

The proposal is for two pairs of semi-detached residential dwellings with off-street parking and rear garden amenity areas. The principle of residential development within the wider site has already been established by virtue of the previously approved applications and the subsequent renewal for residential development at the site, although it is acknowledged that these consents have now expired.

Consequently, subject to other matters to be addressed later in this report, the principle of the development is considered to be acceptable.

#### **Impact on amenities of neighbouring properties**

The proposal represents two pairs of dwellings with a modern and contemporary character and appearance. While it is acknowledged that existing properties are of a certain historic character, there are more modern individual dwellings as well as larger concentrations of more modern designs and housing types interspersed within the fabric of the area.

The dwellings that are proposed could be accommodated at the site without leading to over-development. Additionally, it is considered that due to their layout and siting, the proposed properties would not have a detrimental impact on the amenity of neighbouring properties by way of loss of privacy or amenity and would not have an overbearing impact.

Additionally, it is also acknowledged that there have been no adverse comments from neighbouring properties as part of the consultation exercise for the proposal.

Therefore, having regard to the issues above it is considered that the proposal is acceptable in this regard.

### **Character and appearance of the area**

The proposed dwellings would be in keeping with the more modern developments that have been built within the immediately surrounding area.

The proposed dwellings are considered to be attractive, contemporary and modern properties that would be in keeping with the character and appearance of the area and the visual amenity of the immediate and surrounding locality.

### **Highway safety**

The Transportation Section has raised no objection to the application, subject to appropriately worded conditions. This view acknowledges the amended layout plans that address the initial concerns expressed by the Transportation Section and provides adequate parking facilities and safe pedestrian access to the proposed properties.

### **Other issues**

The comments of the Public Health and Protection Division in respect of a condition to restrict the hours of operation during construction are acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.

In terms of the current access across the site to the nearby school, this is an informal arrangement and the land is wholly under the ownership of the applicant who could stop this at any time. Any request to make this arrangement a formal Public Right of Way (PROW) is a matter that should be addressed through a claim for a PROW which do not form the scope of a planning application and are a separate matter that would be dealt with by the Council's Public Rights of Way Section. At present, no such claim has been made for this site.

### **Community Infrastructure Levy (CIL)**

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 site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable. Therefore no CIL would be payable.

### **Conclusion**

The development would provide a productive use of a vacant and disused piece of land within the settlement boundary with a long history of consents for residential use.

The proposal would also add to the variety and housing types within the area and would be consistent with the residential use, character and appearance of the surrounding area.

While the issue around the use of the site as access for Cwmclydach School is acknowledged, it is considered that this is part of a separate and formal procedure that can be appropriately dealt with via the correct route.

Finally, the development and would not be detrimental to the amenity of neighbouring properties or highway safety considerations and is therefore considered to be acceptable.

**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 approved plan(s) no(s)

- Site Location Plan, Drawing no. 1132-01, Revision A
- Proposed Site Plan, Drawing no. 1132-03, Revision E,
- Typical Ground Floor Plan of a pair of houses (Proposed), Drawing no 1132-04
- Typical First Floor Plan of a pair of houses (Proposed), Drawing no 1132-05
- Typical Elevations of a pair of houses (Proposed), Drawing no 1132-06

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

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until samples of the materials, including colours, proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until the applicant evidences how the development is to take into account the local surface water flood risk and outlines a strategy to ensure the structures are resilient.

Reason: To ensure the development does not increase the number of residents at risk of surface water flooding in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No dwelling shall be occupied until the drainage works approved under condition 5 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.

7. Before the development is brought into use the means of access, together with the parking facilities, shall be laid in accordance with submitted plan 1132-03 REV E and approved by the Local Planning Authority. The car parking spaces shall be surfaced in permanent material and retained for parking thereafter.

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

8. Notwithstanding the submitted plans, prior to the commencement of development, design and details of the new proposed footway along Taff Terrace fronting the site shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans and implemented prior to beneficial occupation.

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



9. 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 Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by 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.

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