



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 SEPTEMBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0501/13 (JE)  
**APPLICANT:** Mr P Vowles  
**DEVELOPMENT:** Outline planning (all matters reserved) for a single detached property. (Amended Plans and DAS received 09/08/19).  
**LOCATION:** 1 TYLACOCH, LLANHARRY, PONTYCLUN, CF72 9LR  
**DATE REGISTERED:** 05/06/2019  
**ELECTORAL DIVISION:** Llanharry

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

##### **REASONS:**

The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application site.

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

- Seven letters of objection have been received from the occupiers of neighbouring properties.

#### **APPLICATION DETAILS**

Outline planning permission is sought for a single detached dwelling at 1 Tylacoch, Llanharry, Pontyclun.

The application is made in outline with all matters reserved for future consideration. The application is accompanied by an indicative layout plan which indicates that development could take place towards the centre of the site. The layout plan also indicates that primary access for pedestrians would be from Llanharry Road to the front of the site while secondary vehicle access would be via the lane to the rear.

As scale is a matter reserved for future consideration, a minimum-maximum range is provided for the depth, width and height of the dwellings, these have been derived from the supporting plans and information, as follows.

	Minimum	Maximum
Width	7m	8m
Depth	8m	11m
Height	5.2m	7.3m

This application is supported by:

- Design and Access Statement

## **SITE APPRAISAL**

The application site comprises the side garden of a semi-detached property, located along Llanharry Road which is the main highway running through the village.

The piece of land, in which the construction of the new dwelling is proposed, is to the eastern side of 1 Tylacoch. The land has a rectangular footprint and is largely level across the site. However beyond the eastern boundary of the site the land decreases in height significantly at The Old Blacksmiths beyond with a rock face along the boundary. Existing vehicular access to 1 Tylacoch and a number of other neighbouring properties is gained via the lane at the rear with pedestrian access gained from Llanharry Road.

The street scene along Llanharry Road is varied with the immediate area categorised by similar semidetached dwellings along Tylacoch a modern residential development known as Bryn Celyn to the north and a group of individual designed dwellings to the east at The Old Blacksmiths.

## **PLANNING HISTORY**

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

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

7 letters of objection have been received from the occupiers of neighbouring properties. The points raised have been summarised below:

- Impact on rock face adjacent to the site
- Lack of parking
- Disruption caused by construction
- Sewers running through site
- Safety concerns regarding access onto Llanharry Road
- Damage to neighbouring properties during construction due to shallow bedrock

- Loss of privacy

## **CONSULTATION**

Highways - no objection subject to conditions.

Wales and West Utilities - no objection.

Dwr Cymru/Welsh Water - A standard consultation response noting the potential proximity of DCWW assets to the site, and requesting an informative note to the applicant is appended to any consent.

Countryside - no objection.

Drainage - no objection.

Public Health & Protection - no objection although conditions suggested regarding hours of operation, noise, waste, dust and contamination.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Llanharry and isn't allocated for a specific purpose.

**Policy CS2** – sets out the criteria for development in the Southern Strategy Area.

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

**Policy AW2** – supports 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 permit proposals where they could cause or result in a risk of unacceptable harm to health and/or safety.

**Policy SSA13** -Permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

### **Supplementary Planning Guidance**

Design and Placemaking

Delivering design and Placemaking: 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 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act 2015 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 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

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 permission for a dwelling on a parcel of land currently forming part of an existing residential curtilage which is located within the defined settlement boundary and forms part of a large residential area of Llanharry. As such the proposed dwelling would comply with LDP Policies CS2, AW1 and SSA13, all of which support the provision of new housing on unallocated sites within settlement boundaries in the Southern Strategy area.

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

The site forms an area of land at the end of Tylacoch and as such forms a gap in the street scene. Furthermore, having regard to the size of the site and the indicative site

layout plan submitted, it is considered that the site is capable of accommodating a carefully designed dwelling that would not result in a detrimental impact upon the character and appearance of the surrounding area. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at reserved matters stage

In addition, as appearance, landscaping, layout and scale of the scheme are reserved for future consideration, this would allow the Council to reject any future scheme that would have an adverse impact and would ensure the development complies with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on residential amenity and privacy**

As the site is located within settlement limits, in a predominantly residential area, it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy.

Whilst matters relating to design, layout, scale and appearance are reserved for future consideration, it is acknowledged that there would inevitably be a degree of impact upon the amenity of 3 The Old Blacksmiths to the east given its proximity to the proposed development. However, it is noted that the maximum footprint and height of the proposed dwellings would not be significantly larger than the adjacent properties. As such, it is considered that it would be possible to develop the plot without resulting in an unacceptable level of impact upon the amenity standards currently enjoyed by the occupiers of adjacent properties.

In regards to the objectors concerns that the proposed development could lead to a loss of privacy. As the application is made in outline with all matters reserved, the Council would be able to reject any future scheme which adversely impact upon the privacy standards currently enjoyed by neighbouring occupiers.

Taking the above into consideration, the application is considered acceptable in terms of its impact upon residential amenity and privacy.

### **Impact on highway safety**

The application was initially submitted with access solely from Llanharry Road which was not subject to highway objection. However, to try and address the highway safety concerns raised by the objectors in regards to access off Llanharry Road, amended plans were submitted indicating that vehicular access to the site would be gained from the rear. Whilst the objector's concerns regarding access to the site and highway safety remained, the Council's Highways department did not raise an objection to the application and have responded as follows.

Submitted drawing no. "003" indicates that primary access for pedestrians, deliveries and servicing will be undertaken from the front. This is the same for numerous dwellings in the vicinity, and as such is considered acceptable. Furthermore, secondary access for vehicular parking is proposed off the rear lane. Again, this is the same for numerous neighbouring dwellings, and as such is considered acceptable.

Taking the above highways comments into consideration, on balance the application is considered acceptable in this regard, and complies with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other issues raised by the objectors**

The objector's comments that the site is crossed by a sewer have been confirmed through consultation with Dwr Cymru who have raised no objection to the scheme but requested an informative note be appended to any consent to ensure the developer takes this into consideration when developing a detailed scheme.

Also raised within the objections were concerns in regards to the geology of the site which could cause damage to neighbouring properties and the rock face to the east along the boundary with The Old Blacksmiths. Whilst these comments are acknowledged, matters in regards to the construction would be covered separately by any subsequent Building Regulations application. Furthermore, any damaged created by the development to neighbouring properties would be a civil matter between the land owners.

### **Public Health & Protection**

No objections have been received from the Council's Public Health and Protection Division in respect of the application. They did however note that a search of their records relating to potentially contaminating past land uses has shown that the application site was formerly occupied by a landfill site and therefore potential hazards associated with land contamination may exist on site. As such a number conditions are suggested requiring site investigations be undertaken at the site and the results be submitted to and approved by the Local Planning Authority prior to any development works starting on site.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation to construction noise, waste, dust and soil sampling. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **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 future reserved matters or full applications.

### **Conclusion**

The development in principle is acceptable and it is considered that the site is capable of accommodating a carefully designed dwelling that would not result in a significant

impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

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

**RECOMMENDATION: Grant**

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. The development hereby approved shall be carried out in accordance with the approved plan
  - Indicative Block Plan

and documents received by the Local Planning Authority on 10/05/19 and 12/18/19, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Off-street parking for the proposed development shall be provided to the rear of the proposed dwelling and served off the rear lane.

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

4. Development shall not commence until details providing for the primary means of access to the site have been submitted to and approved in writing by the Local Planning Authority.

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

5. Off-street parking shall be provided in accordance with the Councils adopted SPG: Delivering Design and Placemaking: Access, Circulation and Parking Requirements.

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

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

- A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk-top study should contain a Conceptual site model.
- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
- A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

7. The development hereby permitted shall not be brought into beneficial use until the measures approved in the scheme referred to in Condition 6 have been implemented and a suitable validation report of the proposed scheme



is submitted and approved by the Local Planning Authority. Any validation report shall be carried out by a competent person

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

8. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the development work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

9. No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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