



PLANNING & DEVELOPMENT COMMITTEE

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0336/13 (CA)
APPLICANT: Mr R Owens
DEVELOPMENT: 4 new residential dwellings with garages and associated works. Re-submission of planning permission 17/1224/13.
LOCATION: RIVERSIDE, FARM ROAD, ABERAMAN, ABERDARE, CF44 6LJ

RECOMMENDATION: Refuse, for the following reason:

REASON: The proposed development is unacceptable in principle given its status as highly vulnerable development within a C2 Flood Zone. As such, the proposal is contrary to national planning policy as set out in Planning Policy Wales (Edition 10, 2018) and TAN 15. In addition, it is contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan (2011).

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for determination at the request of Councillor Tina Williams so that Members can fully consider the flooding issues associated with the site.

APPLICATION DETAILS

Outline planning permission is sought for the construction of 4 dwellings, associated access and parking on a parcel of land accessed off Farm Road, Aberaman. The application is made in outline with some matters reserved for future consideration. The application seeks approval of access as part of the current submission.

The application site is broadly rectangular in plan and extends to 2750 square metres. The site previously accommodated one detached dwelling, known as Riverside, but is currently free from built development.

The application is accompanied by an illustrative site layout plan which shows the four detached dwellings arranged in a linear form, all served off a private drive that would connect with Farm Road to the south.

As scale is a matter reserved for future consideration, a minimum – maximum range is provided for the length, width and height of the dwellings, as follows:

	Minimum (Metres):	Maximum (Metres):
Length:	10.0	12.0
Width:	10.0	12.0
Ridge Height:	4.0	9.0

The application is accompanied by a Design and Access Statement and a Flood Consequences Assessment.

SITE APPRAISAL

The application site consists of a parcel of land which is broadly rectangular in plan and extends to 2750 square metres.

The site previously accommodated one detached dwelling, known as Riverside, but is currently free from built development. The site itself is relatively flat, being level with the adjacent highway and neighbouring plots. It has grass cover and its boundaries are defined by a stone wall.

The site is located in a predominantly residential area of Aberaman. To the north the site is bounded by a number of large modern detached dwellings. To the south, the site is served by Farm Road and there is further residential development beyond. To the south west a commercial building is located.

The site is located entirely within a flood risk area, that being Zone C2.

PLANNING HISTORY

17/1224/13	4 new residential dwellings with garages and associated works (Updated Flood Consequence Assessment received 03/06/19)	Refused 20/06/2019
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PUBLICITY

The application has been advertised by direct notification letter to neighbouring properties. Officers were unable to display a site notice due to the Coronavirus (Covid 19) outbreak and the related restrictions placed on movement. Whilst it cannot be assumed that the posting of site notices would not have generated any comment from members of the public, those likely to be most impacted by the proposed development have all been consulted directly by letter. In any event, the level and extent of advertisement undertaken is compliant with the requirements of The Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

CONSULTATION

Transportation Section – No objections, subject to conditions.

Flood Risk Management – No adverse comments received.

Public Health and Protection – No objections, conditions recommended.

Countryside, Landscape and Ecology – No objections or conditions recommended.

Natural Resources Wales – Objections.

The Coal Authority – No objections, subject to conditions and standard advice.

Glamorgan & Gwent Archaeological Trust – No objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan:

The application site lies within the defined limits of development but is not allocated for any specific purpose.

Policy CS 1 – Development in the North: Places an emphasis on building strong, sustainable communities.

Policy AW 1 – Supply of New Housing: Provides criteria against which applications for new housing will be considered.

Policy AW 2 – Sustainable Locations: Provides criteria to determine whether a site is located in a sustainable location.

Policy AW 4 – Community Infrastructure and Planning Obligations: This policy provides support to secure planning obligations and contributions.

Policy AW 5 – New Development: This policy sets out criteria for new development in relation to amenity and accessibility.

Policy AW 6 – Design and Placemaking: This policy requires development to involve a high quality design and to make a positive contribution to place making.

Policy AW 10 – Environmental Protection and Public Health: Prohibits development proposals that would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA 12 – Housing Development Within and Adjacent to Settlement Boundaries: Development within the Northern Strategy Area will be permitted within the defined settlement boundaries subject to a number of criteria.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

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 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals do not meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is not brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is inconsistent with the key principles and requirements for placemaking as defined by Chapter 2 People and Places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also inconsistent with the following insofar as they relate to the development proposed:

- Chapter 3 (Strategic and Spatial Choices)
- Chapter 4 (Active and Social Places)
- Chapter 6 (Distinctive and Natural Places)

Other relevant national policy guidance considered:

PPW Technical Advice Note 15: Development and Flood Risk

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:

The application proposes (in outline) the construction of four residential dwellings, associated vehicular access and parking areas, on a parcel of land that is located inside of the defined settlement limits. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition, it will also be necessary to consider whether the site is capable of accommodating the dwellings, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings, the character and appearance of the area or highway safety.

As the site is located in a Zone C2 flood area, the implications of the development upon flood risk both within the application site and wider area is a further material consideration.

Principle of the proposed development:

The first consideration must be the location of the site in planning policy terms. In this case the plot is located inside the defined settlement limits, where the principle of residential development may be regarded as acceptable. However, in accordance with the requirements of policies NSA12, AW5 and AW10, proposals for residential development may only be considered acceptable, providing no adverse impacts would result in terms of amenity, character, highway safety and flooding. These matters will be considered in detail in the following sections.

Impact on the character and appearance of the area:

In terms of physical area, the site extends to approximately 2750m², an area which is large enough to accommodate the proposed number of dwellings and associated access road. It is also noted that being a flat site with few variations in level, the site could be developed without significant retaining or engineering works.

Whilst the application is made in outline, with layout reserved for future consideration, the illustrative plan which accompanies the submission illustrates an acceptable arrangement, whereby the proposed dwellings would be arranged in a linear form, each served by a shared private drive, that would separate the proposed dwellings from the existing to the north east. In turn the access to the site would connect with farm road, which is the route that serves existing neighbouring development to the north east.

It is noted that appearance is also a matter reserved for future consideration, as such, the application is accompanied by a range of parameters which set out the minimum and maximum scale ranges for the dwellings. These indicate that at the upper limit, the dwellings would have a footprint of 144 square metres (12.0 x 12.0 metres) with a maximum ridge height of 9.0 metres. Whilst these would be large dwellings, given the varied character of existing properties in the vicinity of the site, it is not considered that dwellings of this scale would appear out of keeping with the character of the area; the closest dwellings located on the cul-de-sac to the north east are substantial detached two storey properties with a greater footprint than those proposed.

As such, overall, it is considered possible to accommodate the proposed dwellings on the site, without adversely affecting the existing varied character of the area.

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.

As set out above, the site is large enough to accommodate the dwellings, associated parking and amenity areas. It is considered that the greatest potential impacts would

result to the dwellings to the north east on the neighbouring residential cul-de-sac. The illustrative layout has been designed in order that the dwellings are set as far away from the boundaries with the dwellings as possible, being separated by the internal access drive that would serve the site. The layout plan indicates that the closest distances would be between Plot 1 and the existing, known as Llwyn-On.

Given the topography of the site which is fairly level and the separation distances between the existing and proposed dwellings, on balance, it is not considered that any resultant impacts would be so great as to warrant the refusal of the planning application. It is also worthwhile noting that no representations have been received from neighbouring residents following the publicity of the planning application.

In conclusion, the illustrative layout indicates that acceptable standards of amenity could be provided for both existing nearby neighbours and future occupiers of the development in a future full planning application.

Impact on highway safety:

To aid in the assessment of highway safety impacts consultation has been undertaken with the Council's Transportation Section. Whilst some concerns were expressed with regard to certain aspects of the development, on balance, no objections to the proposal have been raised.

Access: Their assessment comments that the proposed development site is served off Farm Road, Aberaman. This route is sub-standard in terms of street lighting, drainage and segregated pedestrian footway facilities which is of concern. It is commented that the proposal would increase vehicular movements (40 trips) by all type of vehicles including service and delivery vehicles on the shared surface, which is lacking in segregated footway facilities and street lighting to the detriment of safety of all highway users and free flow of traffic.

There is a footway link proposed from the new development opposite which would provide access for pedestrians moving west. However, no such links are provided to the bus stops on the B4275, train station and retail area at Tirfounder Fields. It is commented that there is potential for further development off Farm Road, where-by improvements would be conditioned.

Taking the above into consideration and to safeguard future adoption of Farm Road a condition requiring the site frontage to be set back to provide for a continuous 2.0 metre footway/vehicular crossover and street lighting to illuminate the new junction has been suggested, in the interests of highway and pedestrian safety and free flow of traffic.

Internal access: The layout plan which accompanies the submission illustrates a private shared access with a width of 4.8 metres, which is acceptable for safe two-way vehicular movement for the amount of vehicular traffic generated. However, taking into account the length of the private shared access at 70 metres, the proposed turning area is sub-standard. As the plan submitted is indicative, a condition requiring design and detail of the private shared access has been suggested.

The location of the access would require the existing service pole (WPD) to be relocated, however this can be secured by a suitably worded condition. A condition requiring the site frontage to be set back to provide for a 2.0 metres footway would also provide satisfactory visibility splay for vehicles emerging from the site onto Farm Road.

Off-street car parking: The proposed dwellings are likely to be in excess of three bedrooms and therefore require up-to a maximum of three spaces per dwelling. Taking into account the application is made in outline with the detailed design of the dwellings to accompany any later reserved matters application, a condition requiring off-street car parking to be provided in accordance with the council's SPG has been suggested.

To conclude, some concern is expressed with regard to the sub-standard nature of Farm Road and the additional traffic and pedestrian movements that would be generated by the proposal. However, taking into account the highway improvements suggested, including the provision of a street lighting column and 2.0 metre footway, on land within the Applicants control, on-balance the proposal is considered acceptable in highway safety terms.

Flood Risk:

Following consultation with Natural Resources Wales it has been confirmed that the application site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004). It is noted that correspondence from NRW in relation to the previous application at the site (Ref: 17/1224/13) highlighted that their records show that the site has previously flooded from the River Aman during the December 1979 flood event. It is also noted that NRW have objected to the current application.

For the purposes of TAN 15, the development proposed represents highly vulnerable development. Paragraph 6.2 of TAN 15 states that new development should be directed away from Zone C and towards Zones A and B, where river or coastal flooding would be less likely. Further to this, it states that in Zone C, the tests outlined in Sections 6 and 7 of the TAN will be applied, recognising however that highly vulnerable development in Zone C2 should not be permitted.

Although there is a clear in principle conflict with TAN 15, a Flood Consequences Assessment (FCA) has been submitted with the application to demonstrate the consequences of a flooding event. The assessment concludes that mitigation measures could be put in place to enable the development to remain flood free as well limit adverse third party flood risk impacts. Notwithstanding this, as per paragraph 6.2 of TAN 15, the requirement for a FCA does not apply to proposals for highly vulnerable development within a Zone C2 location, but rather relates to all other new development.

In conclusion, the justification tests within paragraph 6.2 of TAN 15 do not apply to highly vulnerable development and so there is an in principle objection to the development of housing in the location proposed. Furthermore, it is not considered that there are any overriding reasons for granting the application contrary to national planning policy.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage: This issue would be covered by the required, separate SuDs approval prior to any development taking place.

Public Health & Protection: No objections have been received from the Council's Public Health and Protection Division following consultation, although several conditions have been recommended should planning permission be granted. The conditions relate to construction noise, waste, dust and land contamination. Whilst these comments are acknowledged, it is considered that these matters can be more efficiently controlled by other legislation.

Ecology: Having reviewed the application, the Council's Ecologist has raised no objections to the proposal, commenting that the site is cleared and there are no ecological limitations.

Historic Land Uses: The application site falls within the defined Development High Risk Area, however, this risk is non coal related and is associated with the presence of recorded ironstone workings which are present at shallow depth beneath the application site.

Community Infrastructure Levy (CIL) Liability:

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications. However, the application site lies within Zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

CONCLUSION

Having taken account of all of the issues outlined above, the proposal is considered unacceptable and contrary to both national and local planning policy. As such the application is recommended for refusal.

RECOMMENDATION: Refuse

1. The proposed development is unacceptable in principle given its status as highly vulnerable development within a C2 Flood Zone. As such, the proposal is contrary to national planning policy as set out in Planning Policy Wales (Edition 10, 2018) and TAN 15. In addition, it is contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan (2011).

