



## **PLANNING & DEVELOPMENT COMMITTEE**

**25 MARCH 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1144/13 (RP)  
**APPLICANT:** Wendy Lewis and Carol Phillips  
**DEVELOPMENT:** Outline application for a new dwelling with access considered (amended plans received 23/02/2021).  
**LOCATION:** CLYDFAN, RHIGOS ROAD, RHIGOS, ABERDARE, CF44 9UG  
**DATE REGISTERED:** 25/01/2021  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve subject to conditions

**REASONS:** The application site is located outside of the defined settlement boundary where development of this nature would not usually be permitted on planning policy grounds and this would be in accordance with the requirements of Section 38(6) as outlined below.

Notwithstanding this, the site is served by a bus service which connects with Aberdare and subsequently Cardiff and Merthyr, and is within reasonable walking and cycling distance of the centre of the village and its key services and amenities and could therefore generally be considered a sustainable location, as set out in Policy AW2.

The site forms part of the extended residential curtilage and parking area of an existing residential dwelling, whilst other dwellings are located in close proximity to the site at Halt Close and Halt Road. An ongoing housing development at the former Aman Metal Spinners site (for 19 units) is also located directly adjacent to the site and whilst this development was permitted prior to the adoption of the current Local Development Plan it is considered a substantial material consideration that weighs in favour of this proposal. The principle of the development is therefore considered to be acceptable.

Furthermore, whilst the application is made in outline, the accompanying layout plan illustrates that the site may be developed without resulting in an adverse impact upon character and appearance of the area, the residential amenity of neighbouring occupiers and highway safety.

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## REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

## APPLICATION DETAILS

Outline planning consent is sought for the construction of one residential dwelling on land that forms part of the garden curtilage of an existing dwelling known as 'Clydfan', Rhigos Road, Rhigos.

The application site is broadly rectangular in shape and extends to approximately 390 square metres and is located adjacent (to the north-west of) Clydfan, one of a pair of semi-detached dwellings located off Rhigos Road.

The application is made in outline with access considered, with all other matters reserved for future consideration. The application is accompanied by an illustrative site layout plan which shows the proposed detached dwelling would be arranged in linear form alongside Clydfan, with its primary elevation addressing Rhigos Road.

The site layout plan also demonstrates that there is scope to provide two off-street parking spaces for the proposed dwelling, in addition to retaining two off-street parking spaces for Clydfan.

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):
Depth:	9.5	10.0
Width:	7.5	8.5
Ridge Height:	5.5	6.0

Amended plans have been received during the course of the application.

## SITE APPRAISAL

The application site consists of a parcel of land which is broadly rectangular in plan that extends to approximately 390 square metres and is currently in use as the garden and parking area of an existing dwelling known as Clydfan.

The site is relatively flat in ground profile and is situated to the northern side of Rhigos Road, the main road that links the villages of Hirwaun and Rhigos.

The northern boundary of the site is bound by Hirwaun Industrial Estate, whilst to the west of the site is the former Aman Metal Spinners factory that is currently being redeveloped for residential use. Further residential dwellings are located to the north-west of the site at Halt Close and Halt Road and include individually designed dwellings of varying scale.

## PLANNING HISTORY

There are no planning applications relevant to this site on record within the last 10 years.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notifications and through the erection of two site notices in the vicinity of the site. The developer of the adjacent housing site has also been formally consulted on the proposal.

No letters of representation have been received as a result of this exercise.

## **CONSULTATION**

The following statutory consultation responses have been received:

**Flood Risk Management:** No objection or condition recommended. However, an advisory note is recommended to highlight the need to submit a separate application for sustainable drainage approval prior to works taking place.

**Highways and Transportation:** No objection subject to conditions relating to means of access, parking and vehicular crossovers being laid out prior to the development being brought into use. Conditions relating to traffic management and wheel washing facilities together with surface water run-off are also recommended.

**Public Health and Protection:** No objection subject to conditions relating to a past contaminated land use.

**Welsh Water:** No objection subject to conditions and advisory notes.

## **POLICY CONTEXT**

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

The application site is located outside of the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

**Policy CS1** – emphasis is on building strong, sustainable communities which will be achieved by promoting residential development in locations which will support and reinforce the roles of Principal Towns and Key Settlements.

**Policy AW1** – outlines how the housing land requirement will be met, including the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

**Policy AW2** – advises that development proposals on non-allocated sites will only be supported 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** – development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy NSA12** – permits development within and adjoining the defined settlement boundaries.

## **Supplementary Planning Guidance**

Design and Placemaking

Planning Obligations

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 11 (PPW) was issued on 24<sup>th</sup> 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 2 – Shaping Urban Growth – Sustainability/Placemaking

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design.

PPW Technical Advice Note 18: Transport;

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:**

The application proposes (in outline) the construction of one residential dwelling, associated vehicular access, amenity and parking areas, on a parcel of land that is located outside 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 dwelling, 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.

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

In the assessment of any planning application for residential development, the first consideration must be the location of the site in planning policy terms.

Policies AW1, AW2 and NSA12 of the Rhondda Cynon Taf Local Development Plan primarily seeks to promote development in sustainable locations within the defined settlement boundary and development would not usually be permitted in locations outside of these areas.

It is acknowledged the site is located outside of the defined settlement boundary and is therefore not considered to be a sustainable location within the parameters of Policy AW2. However, notwithstanding this, it is noted that the site is within reasonable walking distance to the centre of the established village and therefore has access to a number of services and amenities and is served by a bus service which connects with Aberdare and subsequently Cardiff and Merthyr; indeed a bus stop is located immediately outside of the site. As such, the site could generally be considered to be within a sustainable location.

The site also forms part of the curtilage of an existing residential dwelling, whilst the former Aman Metal Spinners site sits directly adjacent to the plot and is currently being developed for 19 housing units. Whilst it is acknowledged the extant consent for this site was approved under a former policy regime, it is considered a substantial material consideration that weights in favour of the proposal.

Noting the above considerations, whilst it is acknowledged the site is located in close proximity to a number of employment uses the proposal would not conflict with the surrounding land use, and would have access to key services and facilities owing to the location of the bus stop outside the site.

Consequently, it is not considered the development conflicts with policy AW2, nor policy AW5 or NSA12 which respectively relate to accessibility and the role of settlement boundaries within the Northern Strategy Area.

Therefore, the development is considered to be acceptable in principle, subject to an assessment of the criteria set out below:

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

In terms of physical area, the site extends to approximately 390 square metres, an area which is large enough to accommodate the proposed dwelling and associated parking areas. 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 demonstrates an acceptable arrangement, whereby the proposed dwelling would be arranged in a linear form, adjacent to the existing dwelling Clydfan.

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 dwelling. These indicate that at the upper limit, the dwelling would have a footprint of 85 square metres (8.5 x 10.0 metres) with a maximum ridge height of 6 metres. It is acknowledged the proposed dwelling would be larger than the semi-detached pair of bungalows opposite, but not substantially so, whilst it would be of a similar scale to bungalows located at Halt Close to the north-west and those to be built at the former Aman Metal Spinners Site. There are also a number of larger detached dwellings of varying scales and designs visible in the wider area.

Therefore, given the varied character of existing and proposed properties in the vicinity of the site, it is not considered a dwelling of this scale would appear out of keeping with the character of the area.

As such, overall, it is considered possible to accommodate the proposed dwelling on the site, without adversely affecting the character and appearance of the area.

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

Whilst the site is located outside of settlement limits, it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy, particularly the existing dwelling on the site, Clydfan, in addition to those properties that are to be constructed at the adjacent housing development.

Whilst matters relating to the scale and appearance of the dwelling are reserved for future consideration, it is acknowledged that there would inevitably be a degree of impact upon the adjacent dwellings in terms of the potential impact the construction of a dwelling on this plot may have upon their privacy and amenity.

In light of this the applicant has identified that the maximum footprint and ridge height of the proposed dwelling would not be significantly greater to that of the adjacent property 'Clydfan'. Furthermore, the nearest dwelling (a 3-bed bungalow) that is to be constructed at the Aman Metal Spinners site would be positioned to the north-west of the proposal dwelling and would be off-set by a sufficient distance to mitigate any adverse impacts.

As such, it is considered that at this scale it would be possible to develop the plot without resulting in a detrimental impact upon the amenity or privacy of the residents of the closest neighbouring properties.

It is however acknowledged that the submitted details are for indicative purposes only and that this issue can be given further careful consideration at the reserved matters stage. In conclusion, the illustrative layout indicates that acceptable standards of amenity could be provided for both nearby neighbours and future occupiers of the development in a future full planning application. Consequently, the application is considered acceptable in this regard.

### **Access and highway safety**

To aid in the assessment of highway safety impacts consultation has been undertaken with the Council's Transportation Section.

No objections were raised by the Council's Transportation Section following consultation, subject to a number of relevant conditions being attached to any consent. In their assessment of the scheme the Transportation Section commented that primary access for the proposal would be served off Rhigos Road, which has a carriageway width of 7.3m with a 50mph speed limit and limited footways on the development side and a continuous footway on the southern side of Rhigos Road that measures 1.9m in width.

Some concern is raised that users of the existing bus stop outside the site have to negotiate a full height kerb which is problematic for less able-bodied pedestrians and mothers with pushchairs. However, and to promote sustainable modes of travel, this can be overcome by the vehicular crossovers proposed which would give level access to the bus stop and therefore a condition requiring two vehicular crossovers has been suggested.

In terms of car parking, the applicant has submitted an amended plan (660.004A) indicating two off-street spaces for the existing dwelling and two spaces for the proposed dwelling which is acceptable.

In light of the above highway assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site, subject to a number of conditions.

### **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 and dust. Whilst these comments are acknowledged, it is considered that these matters can be more efficiently controlled by other legislation.

However, it has been noted that the site has been previously occupied by a potentially contaminating past land use. As such, conditions relating to a scheme deal with land contamination are considered appropriate in this instance.

### **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 would be payable.

### **Conclusion**

Having taken account of all the issues outlined above, the application proposal is considered acceptable in principle inasmuch as the site could generally be considered as a sustainable location and would therefore comply with the relevant policies of the Local Development Plan.

Furthermore, whilst the application is made in outline, the accompanying layout plan illustrates that the site may be developed without resulting in an adverse impact upon character and appearance of the area, the residential amenity of neighbouring occupiers and highway safety.

### **RECOMMENDATION:**

1. (a) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.



(b) Any applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

(d) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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(s) no(s):

1. Location Plan received on 27<sup>th</sup> July 2020

and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained (including trees identified on the indicative proposed site layout drawing number 15/12/02 Rev B received 27<sup>th</sup> July 2020) 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 & AW6 of the Rhondda Cynon Taf Local Development Plan

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 otherwise agreed in writing by the Local Planning Authority.

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

5. No development shall take place 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 use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. 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 Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

7. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

8. Development shall not commence until details of the means of access and parking layout have been submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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.

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

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

10. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

11. HGV's used as part of the development shall be restricted to 9.00am to 16.30pm weekdays, 9.00am to 13.00pm on Saturday and no deliveries on Sunday and Bank Holidays unless otherwise agreed 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.

12. Constructon works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

13. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted 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.
  1. 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 (1) above.
  2. 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 Local

Planning Authority 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.

14. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (condition 13) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. 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.

15. 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 LPA prior to the 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