



## **PLANNING & DEVELOPMENT COMMITTEE**

**12 AUGUST 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0760/15 (GH)  
**APPLICANT:** Allyjaun  
**DEVELOPMENT:** Variation of condition 1 time limit (16/0391/13).  
**LOCATION:** LAND SOUTH OF 186 EAST ROAD, TYLORSTOWN,  
FERNDALE, CF43 3BY  
**DATE REGISTERED:** 24/05/2021  
**ELECTORAL DIVISION:** Tylorstown

---

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

#### **REASONS:**

The application site comprises previously developed land within settlement limits which has already benefitted from outline planning consent for residential development, granted in 2016. No new planning issues have arisen since that date and there are no material changes in respect of planning policy or the context of the site.

---

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

A request has been received from Local Member, Councillor R. Bevan for the matter to come before Committee in order that Members can consider concerns about the potential impact of the development upon highway safety.

#### **APPLICATION DETAILS**

This application is made under Section 73 of the 1990 Planning Act and seeks variation of condition 1 of outline planning permission (reference 16/0391/13) granted on 7th June 2016, for residential development of land to the south of 186 East Road, Tylorstown.

The current application seeks the variation of this condition to allow for a further period of three years for the submission of reserved matters pursuant to the planning permission.

Consequently, the application represents a renewal of the outline planning permission, which included approval of site access and layout, but with all detail relating to scale, appearance, and landscaping to be considered at reserved matters stage.

The proposed development is the same as previously approved. The layout plan demonstrates that four properties would be constructed between the two extant dwellings and on their southern side would adjoin the side elevation of no. 187 so that the terrace would partly be continuous. A rear parking area, comprising two spaces per dwelling, would be accessed from the existing adopted back lane.

The submitted details also included plans, elevations and site sections for the dwellings, showing that they would have a two-storey principal elevation facing East Road, but a three-storey rear elevation due to the site topography. The accommodation would include three bedrooms and external amenity space, although it is appreciated that these additional plans are solely indicative of how the reserved matters of scale, appearance, and landscaping could be addressed, and are not a material consideration.

## **SITE APPRAISAL**

The application site is an irregular-shaped parcel of land, of approximately 0.05 hectares, which is located between 186 and 187 East Road, and is both within Tylorstown and the defined settlement boundary.

Historic mapping shows that the site previously accommodated a Baptist Chapel as a continuation of the west-facing terrace fronting East Road, albeit that this building was demolished at least twelve years ago.

The site is level with East Road but falls significantly towards the east, at which point the site boundary meets an adopted rear lane. This access is shared both with the neighbouring properties on East Road and those at Edmondes Street, the gardens of which back onto it.

The majority of the surrounding development dates from the Victorian era and most, if not all, accommodates residential land uses.

## **PLANNING HISTORY**

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

**20/1171/10:** Construction of 4no. terraced houses with associated curtilage car parking off rear access. Decision: 24/6/21. Refuse.

**16/0391/13:** 4 new terraced houses with rear parking (outline). Decision: 07/06/2016, Grant.

## **PUBLICITY**

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

No representations or letters of objection have been received.

## **CONSULTATION**

### Highways and Transportation Section

There have been no material changes to the site and there is no objection subject to conditions in respect of access, parking and timing of HGV deliveries.

### Dwr Cymru Welsh Water

DCWW has no objection to the Variation of Condition and asks that any drainage Conditions on the original consent are brought forward.

### Public Health

Conditions are recommended in respect of demolition, hours of operation, noise dust and waste. However, since these matters may be addressed by existing public health legislation, it is considered that an informative note would be more appropriate.

### Flood Risk Management

From a flood risk perspective there is no objection.

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 Tylorstown.

**Policy AW1** - identifies how new housing will be supplied.

**Policy AW2** - directs development towards 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** - supports development proposals which are not detrimental to public health or the environment.

**Policy NSA12** - supports development within the settlement boundary.

### **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 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 2: Planning and Affordable Housing;  
PPW Technical Advice Note 11: Noise;  
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:**

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

The previous planning application for the site, for which the time extension is now sought, was determined and approved under delegated powers.

The application site is within the defined settlement boundary and meets the criteria of LDP Policy NSA12 and relevant requirements of Policy AW2; and in planning terms can be considered to be in a sustainable location.

Therefore, in general terms and subject to other material considerations, the LDP establishes that there would be a presumption in favour of the principle of residential development and the LDP policies against which the original application was tested remain extant.

In the intervening period since application 16/0391/13 was determined national planning policy has been updated with the introduction of FW2040 and PPW Edition 11.

A section further above notes that the current application is considered to be compliant with FW2040 since the site is within a regional growth area and the defined settlement boundary.

However, PPW11 stipulates that the National Sustainable Placemaking Outcomes should be used to assess development proposals, and since they were first introduced as part of PPW10, the original application was not determined in that context.

With regard to those placemaking outcomes the proposed development is considered to relate particularly well with the following:

- **Creating and Sustaining Communities:** The development density is appropriate for the location and would contribute to the provision of additional housing, in an area where investment from larger of volume housebuilders has been absent.
- **Facilitating Accessible and Healthy Environments:** The application site is within walking distance of the main bus route, is close to recreation and leisure sites and a school, and is near to retail businesses, including a Lidl supermarket.
- **Making Best Use of Resources:** the development would result in the use of previously developed land and would have regenerative benefits due to its support of construction jobs.
- **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, at outline stage, would be considered to have a neutral impact.

Lastly, Members will recall their recent consideration of a full planning application for the construction of four dwellings at this site (20/1170/10). Determination of this application was initially deferred for a site visit and, at the subsequent Committee

meeting held on 24<sup>th</sup> June 2021, was refused on the grounds of highway safety concerns and overdevelopment.

Nonetheless, it is considered that there have not been any specific local or national policy revisions that would merit a different recommendation to that of the original decision to grant outline consent. Therefore, this variation of condition application is considered to be acceptable, subject to the relevant conditions being carried forward from the existing outline consent.

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

As an outline proposal the submitted plan demonstrates how the plot would be laid out to accommodate four dwellings, with the provision of sufficient amenity space to the rear and off street parking gained from the adopted back lane.

Both the layout and the access arrangements were set and approved as part of the previous outline consent and would remain as such should consent for this application be granted.

However, as noted above, scale, appearance, and landscaping would be retained as reserved matters, and no material weight can be attributed to them without the specific design details and supporting information that would usually accompany a full or later reserved matters application.

Nevertheless, whilst it is not possible to assess the development in terms of its visual impact, given the context of the street scene and the pattern of development of the neighbouring dwellings, it is apparent that four dwellings of the footprint proposed could be designed to integrate and replicate the surrounding built form. Therefore, no objections are raised at this stage.

### **Impact on neighbouring occupiers**

If constructed in accordance with the layout plan provided, the new dwellings would be set in line with and adjacent to the neighbouring properties to either side, and directly opposite those on the other side of East Road. Other properties are located at Edmondes Street, which occupy lower ground at least 25m to the east.

Currently, those four or five properties on the western side of East Road benefit from views though the gap towards the opposing side of the valley, which was created when the Chapel was demolished. It is likely that any development of the site would alter the outlook for those residents, albeit that loss of a view is not a planning consideration.

However, at this stage and as an outline application it is not possible to qualitatively determine the nature of the impact on neighbouring occupiers without the submission of full details, and any future consent would likely be subject to a range of standard conditions which might deal with matters relating to privacy, outlook, and amenity.

### **Highway safety and access**

Access

Primary access to the site is from East Street (A4233) which is a principal route and carries a substantial amount of vehicular traffic. The carriageway measures 7.3m in width with double yellow lines on both sides of the carriageway and benefits from continuous 1.5m-1.6m wide footways. This is acceptable for safe vehicular and pedestrian movement.

To the rear there is an adopted lane which varies in width between 3.6m and 4m and is proposed to be used for the access to the rear off-street car parking. There is some concern that the visibility at each end of the lane is sub-standard - 2.6m x 6m to the north and 2.4m x 3m (right) and 2.4m x 5m (left) to the south. However, taking into account the lane is to be used for secondary access only and for off-street car parking which generates limited vehicular movement, the proposal is, on balance, considered acceptable in this respect.

### Parking

The proposed 3 bedroom houses require a maximum of 3 off-street car parking spaces per dwelling to be in accordance with the SPG for Access, Circulation & Parking, with 2 per dwelling provided. Taking into account that the site is in a sustainable location, close to a number of local facilities and public transport, the 2 spaces per dwelling would be acceptable.

The Applicant has proposed to lay out the site to provide a 6m wide reversing aisle width for accessing the off-street car parking and therefore details of the proposed tie in with the adopted lane and surface water drainage are recommended to be conditioned.

### Summary

The Council's Highways and Transportation Section has stated that there has been no material change to the proposed application site and surroundings since the initial application was approved, with no reported accidents or significant increase in vehicular movements in that time. Therefore, on this basis, no highway objection is raised to the extension of time subject to a number of highway related conditions.

### Other matters

The decision notice for the 2016 planning permission contains four conditions which have not been included below, relating to drainage, samples of external materials, landscaping, and ground conditions.

Since 2019 surface water drainage for the majority of developments, including this one, is now covered by the requirement for Sustainable Drainage Approval. In addition, matters relating to ground stability and construction fall within the remit of Building Regulations.

Lastly, since landscaping and appearance are reserved matters, conditions relating to either would be unnecessary, and would not comply with Welsh Government guidance relating to the use of conditions.

## **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**

Since outline planning consent was granted in 2016, there have been no material changes in circumstances of significance to warrant a refusal of consent, and no new issues relating to the site have arisen.

Therefore, having taken account of all of the issues referred to above and in light of the planning history of the site, the application for outline consent is considered acceptable and the proposal is recommended for approval, subject to the conditions specified below.

## **RECOMMENDATION: Grant**

1. Details of the appearance, landscaping 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.

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

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

3. 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 Section 92 of the Town and Country Planning Act 1990.



4. The development shall be carried out in accordance with the following approved drawings and documents:
- Site location plan, drawing number 2018.SLP
  - Site development proposals, drawing number 1529.PL01 (only in respect of layout and access)

and details and documents received on 24<sup>th</sup> May 2021.

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

5. 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.

6. No dwelling shall be occupied until design and detail of the parking area surfaced in permanent material and tie in with the rear lane have been submitted to, approved and implemented to the satisfaction of the Local Planning Authority. The parking area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. HGVs used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with 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.

8. 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 AW5 of the Rhondda Cynon Taf Local Development Plan.