



PLANNING & DEVELOPMENT COMMITTEE

2 SEPTEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	21/0635/10	(GW)
APPLICANT:	Mrs M Ashford	
DEVELOPMENT:	Detached 3 bed bungalow with parking for 3 cars (Affecting Public Right of Way PON/4/1).	
LOCATION:	BODWENARTH FARM, ALBION COURT, CILFYNYDD, PONTYPRIDD, CF37 4JA	
DATE REGISTERED:	16/06/2021	
ELECTORAL DIVISION:	Cilfynydd	

RECOMMENDATION: GRANT

REASONS: The site is in a sustainable location as it is within the settlement boundary identified in the Local Development Plan. Planning permission was granted for a similar dwelling (15/0426/10) and the main change is the increase in slab level by 1m in height and some minor elevational changes.

The changes to the approved dwelling would have an acceptable impact on the character of the area and there would not be a significant impact on the amenity of surrounding residents.

The proposal would not result in a significant increase in traffic. The Council's Transportation Section do not object to the level of parking and access.

In all other material planning considerations, including the impact of flooding and drainage the application is considered would be acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Belzak for the matter to come to Committee for the reason that there are concerns with regard to:

- Visibility/intrusiveness on the privacy of nearby dwellings, especially relevant given the higher elevation of the current structure as compared to previous applications;

- Highway issues/congestion in the roads leading to the site; and
- Drainage issues relating to the land, issues which became evident during the flooding of February 2020.

APPLICATION DETAILS

Full planning permission is sought for the erection of a detached dwelling at Bodwenarth Farm in Cilfynydd. Planning permission was previously granted for a dwelling (15/0426/10) and the conditions discharged (20/0482/28). Changes were made as part of Non Material Amendment (16/0048/39) that included the reduction of the number of roof lights on the rear elevation, the provision of windows instead of 'French Doors' on the rear and alterations to the internal arrangement.

Construction of the dwelling has commenced, however it is being constructed 1m above the approved slab level and this application has been submitted to attempt to authorise those works.

The property would be a bungalow with living accommodation in the roof space and would measure 12m in width, 8m in depth and with a maximum height of 6.4m. These are the same dimensions as previously approved.

Its front elevation would be finished with a smooth render and the roof would be covered with a natural slate. The previous approval was for the front elevation to be natural stone (with all other elevations smooth render). The porch on the front elevation has also been removed.

Access to the proposed property is to be obtained from Albion Court and that would be shared with the former farm house and related former agricultural buildings on the site. The entrance point would be amended and the drive would be widened to a width of 4.5m and a turning head provided within the site as previously approved.

The plans detail a 900mm high stone wall would be provided to mark the front boundary. A 1.8m high close boarded fence would be provided along the remaining boundaries. To the rear, between the site and rear gardens of dwellings on Hilltop Avenue, it is detailed there would be a buffer zone of soft landscaping. These details are the same as approved in the original application. Gabion baskets approximately 1m in height have been used along the side boundary to define the level change between the site and 7 Albion Court. A 1.6m high fence is proposed along this boundary.

SITE APPRAISAL

The site is located on the edge of the built up area of Cilfynydd and accessed from Albion Court. This is the uppermost street of a relatively modern housing estate on the valley side. The semi-detached houses along on Albion Court are arranged on one side of the road and are staggered in height; rising in ridge height along the length of the street. Further houses on Hilltop Avenue are located to the north (and at a lower level).

The site itself is within an area that contains a complex of former farm buildings. These include two vacant barns adjacent to a two-storey farmhouse, which is also vacant and in is in poor state of repair. The dwelling would be located on an area that is open to a larger paddock area (next to the former barns) and which includes a pond.

Fields are located on the hillside to the south and east (rising up behind the site). There are some agricultural buildings within the fields bordering the site.

Vehicular access to the site is available from Albion Court and a Public Right of Way (PROW) No. 4 Pontypridd, runs through the site. Along the road frontage with Albion Court is a natural stone wall approximately 1.4m high.

PLANNING HISTORY

20/0482/38	Bodwenarth Farm, Albion Court, Cilfynydd, Pontypridd	Discharge of Conditions	Granted 21/07/2020
20/0155/38	Bodwenarth Farm, Albion Court, Cilfynydd, Pontypridd	Discharge of Conditions	Refused 20/04/2020
16/0048/39	Bodwenarth Farm, Albion Court, Cilfynydd, Pontypridd	Change to window type and additional window, as amendment to permission 15/0426.	Granted 01/03/2016
15/0426/10	Bodwenarth Farm, Albion Court, Cilfynydd, Pontypridd	Detached 3 bedroom bungalow with parking for three cars.	Granted 13/07/2015

PUBLICITY

The application has been advertised by means of direct neighbour notification, and site notice. Two letters of objection have been received at the time of writing this report. Their comments are summarised below:

- Fires have been lit by the developers, which can be described as dangerous.
- How will the fencing and landscaping on the bank being proposed be maintained.
- Rubbish has been disposed of down the bank
- It is noted it affects a Public Right of Way, but no alternative route is given

CONSULTATION

Dwr Cymru/Welsh Water – no objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Advisory notes with regard sewers is provided.

RCT Countryside Section – No ecology requirements as site cleared and construction started.

RCT Flood Risk Management – No objection. The site is not within an area of surface water flood risk. Under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit an application to the Sustainable Drainage System (SuDS) Approval Body (SAB). The applicant is also required to comply with Part H of the building regulations. A planning condition has also been suggested alongside the above requirements.

RCT Public Health and Protection – No objection subject to conditions on hours of operation, noise, dust and waste.

RCT Public Rights of Way Officer - No objection and comments for the previous application are re-iterated. Part of the public right of way (PROW) would be incorporated within the private drive. No pavements or other measures should be provided, which restricts the legal width. It may be necessary for the applicant to apply for a temporary closure during construction and permission would be required for any change in surface material.

RCT Structural Engineer – No objection as there is no change to the current levels and the gabion baskets have been in some time. The rear slope looks steep and the load from the raft foundation being outside the influence line on the embankment. If there is any proposed hardstanding around the area of the dwelling ensure that all water runoff is diverted away from the embankment to ensure the long term integrity of the slope and protect the owners below the slope. The permeable paving previously approved, around the dwelling, would be acceptable.

RCT Transportation Section – No objection subject to conditions requiring the provision of the access and turning as detailed on plan MA03 Rev A, surface water not to run on to the public highway, the provision of wheel washing facilities and a limit on HGV deliveries during construction.

Taff Ely Ramblers – The dwelling would be close to the footpath, however a wall would be put in place between the two. There will not be much of a visual impact.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. The site is within the designated Rhondda Historic Landscape by Cadw and low risk area for former coal mining works.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focussing development within defined settlement boundaries.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

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

Policy SSA11 – seeks a minimum housing density of 35 dwellings per hectare unless it can be demonstrated a lower density would be acceptable.

Policy SSA13 – details criteria for development within and adjacent to settlement boundaries.

Policy SSA23.10 - identifies that the application site lies immediately adjacent to though not within the Taff Vale Eastern Slopes Special Landscape Area.

Supplementary Planning Guidance:

Access, Circulation and Parking

Design and Placemaking

Nature Conservation

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.

Future Wales: The National Plan 2040 (FW2040) and Planning Policy Wales Edition 11 (PPW) sets out the Welsh Government's (WG) current position on planning policy. PPW 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.

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 FW2040, with the following policies being relevant to the development proposed:

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport; and

PPW Technical Advice Note 23: Economic Development.

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 development

The Rhondda Cynon Taf Local Development Plan (LDP) details the site is within the settlement boundary. Policies in the LDP (AW1 and AW2) support residential development inside the settlement boundaries.

Planning permission (Reference 15/0426/10) has previously been granted for a similar dwelling at the site. The dwelling being constructed and the subject of this application is of the same siting, appearance and size of that previously approved, however it is being constructed on a slab level that is 1m higher than approved.

Therefore, taking into account the above, the principle of residential development would be acceptable subject to an assessment of the changes on other material planning considerations, which are discussed below.

Impact on residential amenity and privacy

The dwelling would be in the same location as previously approved and of the same dimensions. However, the dwelling being constructed, would have a slab level 1m

higher than previously approved. Therefore the eaves and ridge level are also 1m higher.

The main impact of this would be on the rear of dwellings on Hilltop Avenue. Whilst the dwelling would be higher than approved, the ridge of the dwelling would be a similar height to the existing dwellings alongside on Albion Court. The distance to the rear of dwellings on Hilltop Avenue is also similar at approximately 21m.

In terms of the impact from overshadowing/overbearing, the affected dwellings on Hilltop Avenue are to the north of the proposed dwelling. It is considered there is sufficient distance, despite the level difference, so that the impact would not have a significant overshadowing and overbearing impact on the existing dwellings.

In terms of the potential loss of privacy, the rear of the proposed dwelling would still be 21metres from those dwellings on Hilltop Avenue, which is normally considered an acceptable distance. However, the changes result in the proposed dwelling being at a higher level than approved and this could result in some increased overlooking down into the affected properties. It is noted the dwellings on Albion Court are also in a similar position and unlike the proposed have higher first floor windows which already result in some overlooking of the affected properties.

The proposal includes a fence along the rear boundary, which due to the elevated position and closeness of the gardens is considered necessary to protect the amenity of the existing occupiers. It is proposed the height would be 1.8m as approved in the original scheme. In addition there is a buffer zone indicated between the two boundaries, which is detailed as being under the control of the applicant and which previously contained some vegetation (now cleared), which would have helped protect privacy. As the dwelling has gone higher it is considered the fence should also be higher and the 1.8m height taken from the floor level of the dwelling. If this is put in place the area of soft landscaping is not essential to protect amenity and a condition would not be required for additional planting. In time however, the vegetation will regrow and will further aid in screening the development. It is therefore considered a fence would be sufficient to protect the privacy of the occupiers of the affected properties and specific details of this can be obtained by a suitably worded condition.

The roof lights proposed at the rear are detailed as being high level and would only serve en-suite bathrooms. It is considered these would not result in any significant overlooking issues and a condition restricting further windows would be necessary if permission were to be granted.

One further issue, as a result of the changes, is with regard the proposed parking area and rear garden relationship to the side boundary of the dwelling at 7 Albion Close. Due to the increase in height of the slab level from the approved scheme, the parking area and rear garden would be approximately 1m above the ground level of 7 Albion Court. This may impact on the amenity of the occupiers of that dwelling from car movements and overlooking. And the existing fence would not totally protect the amenity of the occupiers. The plans show a 1.6m high fence would be provided along the boundary taken from the ground level of the proposed dwelling. Whilst this would reduce the impact, it is considered the fence should be stepped inside the site and away from the boundary. This would reduce any overbearing impact from the

combined height of the fences on the boundary. In addition the fence should be higher adjacent the rear garden area to protect any loss of privacy to this amenity space. Details of this can be obtained by suitably worded condition.

Therefore, taking the above into account, it is considered the development would not have a significant detrimental impact on the amenity of occupiers of surrounding dwellings.

Impact on the character and appearance of the area

The changes from the approved scheme result in the dwelling being at the level of the site access. The submitted sections show the increase in height would however not result in the dwelling being visually out of context with the surroundings.

The other changes include the loss of the stone front elevation for a smooth render finish. Whilst the previously approved front elevation would better complement the materials of the stone barns it would face, the change would not be unacceptable in visual terms. It is considered samples of the proposed materials are not necessary as the information provided on the plans and in the application is acceptable. The proposed condition, requiring that the development is carried out in accordance with the submitted details is considered sufficient.

As such, it is considered the proposal would not have a significant detrimental impact on the character of the surrounding area.

Access and highway safety

Access to the site would be via an existing gated access from the end of Albion Court. This was the same as approved in the previous application (Reference 15/0426/10) and the change in slab level proposed does not alter that access.

Concerns have been raised with regard to an increase in congestion. It is however considered the addition of a single dwelling being served by surrounding roads would not significantly exacerbate any existing issues.

No objection has been raised by the Transportation Section subject to conditions stated above. The condition with regard to surface water and wheel washing are not considered necessary as they can be controlled by other legislation.

Taking into account the above assessment it is considered the application would be acceptable in these terms.

Public Rights of Way (PROW)

PROW (No. 4 Pontypridd) runs through the access to the site. There are no changes being proposed to the access from that already approved in the previous permission (15/0426).

Part of the PROW would be incorporated into the proposed private drive. It is considered this would not result in a conflict in pedestrian and vehicular movement to

the significant detriment of the safety of persons using the PROW and would be acceptable in these terms.

No objection has been raised by the Council's Public Right of Way Officer. An informative note is suggested, similar to that on the previous permission, highlighting their further advice.

Drainage and flooding

No objection has been raised by Dŵr Cymru/Welsh Water subject to a condition that no surface water should go to the public sewer. Whilst this is noted foul drainage has already been approved in application 20/0382/38 with a connection to the public sewer and the current application indicates the same. Furthermore as this issue can be controlled by other legislation no further information is required and an informative note can be added if permission is granted.

Concerns with regard flood risk and surface water drainage have been raised. The Council's Flood Risk Management however highlight in their comments, that the site is not within an area of flood risk. In addition, it is noted, surface water drainage details for the previously approved scheme have been discharged by conditions application (reference 20/0482/38). Whilst this is the case, the Council's Flood Risk Management Section have recommended a condition for this application taking into account that it is partly retrospective and this is therefore considered would be necessary. Details of this can be obtained by a suitably worded condition.

The Council's Flood Risk Management Section also state that the applicant under Schedule 3 of the Flood and Water Management Act 2010 would be required to submit an application to the Sustainable Drainage System (SuDS) Approval Body (SAB). And in addition the applicant is also required to comply with Part H of the building regulations.

Therefore, taking into account the above, it is considered the impact from flooding and the sites drainage would be acceptable.

Site Stability

The original application detailed the site is on land that is made up land that has been deposited over a long time. The changes in slab level from the approved application to this application has not required any significant alterations to site levels as the slab would be on the existing levels of the site. The Council's Structural Engineer has not objected to the application subject to all water run-off being diverted away from the embankment to ensure the long term integrity of the slope and protect the owners below the slope.

Details of this can be obtained by a suitably worded condition.

Ecology

The Council's Ecologist has not objected as the site has been cleared and development commenced. Members are however advised a condition on the original permission required a Wildlife Protection Plan for construction works. It is noted this

was submitted for application 20/0482/38 and was acceptable. Therefore a condition would be necessary to ensure further construction works are carried out in accordance with that approved plan.

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:

Public Health Comments

With regard to the issues raised by the Public Health and Protection Section, it is considered noise, dust and waste matters from construction activities can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning hours of construction work, waste, burning materials on site and dust issues.

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 liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL charge (including indexation) for this development is expected to be £7,990.29.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, access and parking, the impact on the character of the area, the impact on residential amenity, the impact on drainage and flooding, the impact on site stability and the impact on ecology (Policies AW1, AW2, AW5, AW8, AW10 and NSA12).

RECOMMENDATION: GRANT SUBJECT TO THE FOLLOWING

1. The development hereby approved shall be carried out in accordance with the approved plans no's.
 - MA01 Rev D Proposed Floor Plans (Received 28th April 2021)
 - MA02 Rev D Proposed Elevations and Section (Received 28th April 2021)

- MA03 Rev D Site Location Plan, Proposed Block Plan, Boundary Wall Details and Proposed Sections (Received 12th August 2021)

and documents received by the Local Planning Authority on 28th April and 21st June 2021, 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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no dormer windows, windows or roof lights (other than any hereby permitted) shall be installed or constructed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the submitted plans and within 56 days of the permission hereby granted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to Local Planning Authority for approval. The boundary treatment shall be completed before the dwelling is occupied and shall be maintained as such in perpetuity.

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.

4. Notwithstanding the submitted plans and within 56 days of the permission evidence as to how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 shall be submitted to Local Planning Authority for approval. The approved details shall be provided prior to the occupation of the dwelling hereby permitted.

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. All construction activities shall be implemented in accordance with the approved details and timing of the Wildlife Protection Plan approved in application reference 20/0482/38.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Before the development is brought into beneficial occupation the means of access, together with the parking and turning facilities for calling service and delivery vehicles, shall be laid out in accordance with the submitted site layout plan MA03 Rev D.

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

7. All HGV deliveries during the construction period shall only take place between the hours of 09:00am and 16:30pm on weekdays to and from the site.

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