



## **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:** 21/0058/10 (EL)  
**APPLICANT:** Mr G Israel  
**DEVELOPMENT:** Detached house with integral double garage.  
**LOCATION:** FORMER GLEN TRANSPORT SITE, PENYCOEDCAE ROAD, PENYCOEDCAE, PONTYPRIDD  
**DATE REGISTERED:** 04/02/2021  
**ELECTORAL DIVISION:** Graig

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**RECOMMENDATION:** Refuse

**REASONS:** The principle of the proposed development is unacceptable as the proposal represents unjustified residential development outside of settlement limits in an unsustainable location. Therefore, the proposal is considered to be contrary to both local and national planning policy.

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#### **Reason Application Reported To Committee**

A request has been received from Councillor Brencher for the application to come to Committee for the reason that Members may consider the impacts of the development upon highway safety (use of the site for residential rather than commercial purposes would result in fewer vehicular movements) and the visual amenity of the area (resulting from the removal of the existing blockwork commercial building).

#### **Application Details**

Full planning permission is sought for the construction of a detached dwelling on a parcel of land to the west of Penycoedcae Road, Penycoedcae, Pontypridd.

The parcel of land upon which the proposed dwelling would be situated is broadly rectangular in shape, measures approximately 2100m<sup>2</sup> and is located to the south of Menger Bungalow, Penycoedcae Road. The site is known as the 'former Glen Transport Yard', with access from Penycoedcae Road to the west.

The plans which accompany the application indicate that the proposed dwelling would be located toward the east (rear) of the site, with a large driveway and area of off-street parking positioned to the front of the property, connecting with Penycoedcae

Road. Garden areas would then be formed to the south (side) of the proposed dwelling.

The property would have an irregular footprint, when viewed in plan, extending to a maximum of 17 metres in depth (including a projection which would accommodate an integral garage) and maximum of 14 metres in width. Living accommodation would be arranged over the ground floor, with 4 bedrooms at first floor level. The design would incorporate a number of projecting gables and dormer additions, with a proportion of the first floor space being accommodated within the roof space of the property. It is proposed that elevations being finished in a combination of render with cedarwood/ cedar cladding, with grey cement roof tiles and zinc sheets to the dormers.

### Site Appraisal

The application site consists of a parcel of land that is broadly rectangular in shape and extends to approximately 2100 sqm. The plot, which is known as the 'former Glen transport site', is positioned to the east of Penycodcae Road and benefits from an access from this highway. To the north the site is bounded by Menger Bunglaow, with residential properties also being located to the west, on the opposite side of Penycodcae Road. To the east and south the site is bounded by open countryside. The site itself is mainly level and laid as hard-surface, with a detached garage building being positioned broadly within the centre of the site. The garage is a single storey blockwork construction with a flat roof, and access via a roller shutter door to the front elevation.

### Planning History

10187 & 10748	Filling station and repair garage.	Granted 10/08/71
79/1746	Use of land for parking of articulated vehicles	Refused 23/01/80
84/1206	House or bungalow. Outline permission	Refused 26/1/1984
06/1985/10	Dwelling house, 2 storey 4 bedroom detached	Refused 14/05/07
07/1869/10	Dwelling house (Re-submission)(amended location plan received 21/01/08).	Refused 01/07/08
08/0624/10	Re-grading of site and erection of gabion baskets to sloping boundary to South and East (part only).	Granted 14/01/09

## **Publicity**

The application was advertised by direct neighbour notification and site notices. No representations have been received.

## **Consultation**

Planning Policy – objections raised. The proposal for a new dwelling outside the settlement boundary in the southern strategy area is contrary to policies CS 2, AW 1, AW 2, SSA 13 and national policy. Therefore, there are a number of policy objections to the principle of residential development at the site.

Transportation Section – no objections subject to conditions.

Natural Resources Wales – no objections raised, informative notes recommended.

Public Health & Protection – no objections raised, subject to conditions.

The Coal Authority – no objections raised, sufficient information has been provided to demonstrate that the site is safe, stable and suitable for the development proposed.

Countryside, Landscape & Ecology – Given the characteristics of the building, bat roost potential is negligible, and as such no survey work is required, however informative notes are recommended.

Dwr Cymru – no objections raised.

Land Drainage – no objections raised, informative notes suggested.

## **Policy Context**

### Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside defined settlement limits, within a sandstone minerals resource area.

CS 2 places the policy emphasis is on sustainable growth in the southern strategy area, to be achieved by focusing development within settlement boundaries and promoting residential development which respects the character and context of the surrounding area.

CS 10 addresses mineral planning and safeguards areas of mineral resources from unnecessary development.

AW 1 this policy outlines the strategies used to meet the housing land requirement, and does not include the development of unallocated land outside the defined settlement boundary.

AW2 promotes development in sustainable locations and ensures that development proposals are only supported when located in sustainable locations. Such locations:

1) are within a defined settlement boundary; 2) would not unacceptably conflict with surrounding uses; 3) have good accessibility by a range of sustainable transport options; and 4) have good access to key services and facilities.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW 8 sets out the criteria for Protection and Enhancement of the Natural Environment.

AW 14 refers to the safeguarding of Minerals

SSA 11 requires residential development in the south to meet a minimum residential density of 35 dwellings per hectare.

SSA 13 explicitly states that only housing development within the defined settlement boundaries will be supported.

### 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), WGs current position on planning policy at regional and national level.

It is not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; nor is it 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 not 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

### **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 the construction of one residential dwelling, associated vehicular access 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 and the character and appearance of the area. The implications of the development upon highway safety in the vicinity of the site are a further consideration.

### Principle of Development

In the assessment of any application for residential development, the first consideration must be the location of the site in planning policy terms. In this case the plot is clearly located outside of the defined settlement limits. As identified within the policy context detailed above, planning policy aims primarily to restrict development in countryside locations. Whilst planning policy does make provision for certain exceptions, it is not considered that the current proposal represents such an exception. As such, following consultation with the Council's Spatial Plans Team, a policy objection to the proposed development of the site for residential purposes has been raised.

In their observations, the Council's Planning Policy Team comment that although being located at the periphery of the village of Penycoedcae, the site is outside and separate from the settlement boundary. Whilst the site is served by public transport, this is a very low frequency bus route, generally passing the site once every two hours. It is also noted that the site has very poor access to key services and facilities within the local vicinity. The site, therefore, cannot be considered a sustainable location for development as it does not accord with policy AW 2 or indeed national policy.

Several policies in the Local Development Plan deter against development outside the settlement boundary, including CS 2, AW 1, AW 2 and SSA 13. Policy SSA 13 explicitly states *"in order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss, development will not be permitted outside the defined settlement boundaries"*. It is for this reason, that the development proposal would be contrary to policies CS 2.2, AW 1.3, AW 2.1 and SSA 13.

In support of their submission, the applicant raises the case of a new dwelling, recently permitted at the former Beechtree club house site, opposite the application site (app ref. no. 16/0889/10). The application in question was allowed at appeal, with the

Inspector concluding that the proposal accorded with paragraph 3.56 of PPW, regarding infilling in existing settlements in the open countryside, as the proposed dwelling was located within a small group of existing properties. It is important to note however, that in their assessment of the appeal, the Inspector also had regard to an earlier appeal decision at the former Glen Transport site (the current application). The appeal in question related to the refusal of an application in 2010 for residential development at the site (app. ref. no.10/1048). In their consideration of the two cases, the Inspector concluded that the circumstances of each appeal were fundamentally different, with the 2016 (16/0889) proposal being considered an acceptable infill while the 2010 (10/1048) case was considered an unacceptable extension of development further into the open countryside. Since there has been no notable change in circumstance since the consideration of the 2016 appeal, the policy objections regarding the former Glen Transport site therefore remain.

A further point raised by the applicant in support of their application relates to the fact that there is currently a (former) commercial garage on the site and as such, the replacement of this with a dwelling would represent a visual improvement. Having considered this point the Planning Policy Team agree that there is no disputing the fact that the site is brownfield land. However, they also clarify that Planning Policy Wales is clear that not all brownfield land is suitable for development, with one such exception being brownfield sites in unsustainable locations:

*Paragraph 3.55 - Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated.*

Therefore, although the site is brownfield, it is not considered that this carries sufficient weight over the issue that the site is contrary to local and national policy objectives.

### Character and Appearance

In terms of physical area, the site measures approximately 2100 sqm, representing a development plot which is physically large enough to accommodate a dwelling with associated parking and amenity space.

The plans which accompany the application indicate that the proposed dwelling would be located toward the east (rear) of the site, with a large driveway and area of off-street parking positioned to the front of the property, connecting with Penycoedcae Road. Garden areas would then be formed to the south (side) of the proposed dwelling. The dwelling would be orientated in order that its primary elevation addressing the road which fronts the site.

The design would incorporate a number of projecting gables and dormer additions, with a proportion of the first floor space being accommodated within the roof space of the property. This approach would ensure that the visual mass and bulk of the dwelling

is limited and the varying roof line adds interest to each of the elevations. It is proposed that elevations being finished in a combination of render with cedarwood/cedral cladding, with grey cement roof tiles and zinc sheets to the dormers.

Overall, it is considered that scale, proportions and design of the dwelling are appropriate and would not appear out of keeping with the appearance of the area, which is characterised by dwellings of varying scale and design. As a consequence, this aspect of the submission accords with policies AW5 and AW6 of the Local Development Plan.

#### Residential amenity

As set out above, the site is located to the south of an existing residential bungalow, that being Menger Bungalow. However, the proposed dwelling would be set back within the site and located sufficient distance from this dwelling, so as not to result in any overshadowing to the neighbouring property. Furthermore, whilst there are two windows located in the proposed first floor north elevation, these would serve a bathroom and en-suite so would not result in overlooking or a loss of privacy to the occupiers of the neighbouring dwelling.

As such, it is not considered that the proposals would result in any adverse amenity impacts, therefore, this aspect of the submission accords with policy AW5 of the Local Development Plan.

#### Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, no objections to the proposal have been raised.

Their assessment comments that the proposed dwelling would utilise the existing access that previously served the Glen Transport site. Given that the proposal is for a single residential dwelling, the proposal is not considered to result in an intensification of use. Therefore, on this basis, the access is considered acceptable to serve a single residential dwelling.

In terms of circulation, it is noted that the submitted layout plan indicates that there is sufficient space within the site to enable vehicles to enter and exit in a forward gear. As such, the proposal gives no undue cause for concern on this matter. Similarly, in terms of car parking, in accordance with the Council's adopted Supplementary Planning Guidance, the proposed 4 bedroom dwelling has a maximum off-street parking requirement 3 spaces. The submitted proposed site plan indicates that there is ample off-street parking provision to meet this requirement. As such, the proposal gives no undue cause for concern regarding off-street parking provision.

As such, the proposal is considered acceptable in highway safety terms and therefore accords with the requirements of policy AW5 of the Local Development Plan.

#### Ecology

As the application involves the demolition of an existing garage on site, it is necessary to consider the potential for bats at the site. However, having assessed the building, its construction and condition, the Council's Ecologist has concluded that any bat potential would be negligible and therefore no bat survey is required. As such, the proposal complies with the requirements of policy AW 8 of the Local Development Plan.

### Coal Mining Risk

As the application is located within a high-risk coal mining area, the application is accompanied by a Coal Mining Risk Assessment. Having reviewed the report, the Coal Authority concluded that they consider that the applicant has demonstrated to the Local Planning Authority that the site is safe, stable and suitable for the development proposed (Planning Policy Wales para. 6.9.23 – 28) and therefore they raise no objections to the application in this regard.

### Community Infrastructure Levy (CIL) Liability – Outline applications

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 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £32,912.07

### Conclusion

Having taken account of all of the issues outlined above, it is acknowledged that the proposal appears to be acceptable in terms of its potential impacts upon, the character and appearance of the area, amenity of neighbouring occupiers and highway safety. However, from a planning policy perspective, the scheme proposes the construction of new residential development on land outside of settlement limits, in an unsustainable location. Therefore, in the absence of an appropriate justification, it is considered that the development is considered to be contrary to the policy framework within the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales. As such, the proposal is recommended for refusal for the reasons set out below.

### **RECOMMENDATION: Refuse**

1. The proposed development would be contrary to Policies, CS 2, AW 1, AW 2 and SSA 13 of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales, in that it would represent unjustified development in an unsustainable location, outside of the established settlement boundaries.