



## **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:** 21/0431/15 (JE)  
**APPLICANT:** Mr J G Pritchard  
**DEVELOPMENT:** Variation of condition 2 (approved plans) to seek permission for amended building location, building height, forecourt and external cladding. (Original application 19/0791/10). (Amended Plans Received 02/08/21)  
**LOCATION:** STORAGE UNIT OFF HEOL Y BEDDAU, PONTYPRIDD, CF38 2AG  
**DATE REGISTERED:** 31/03/2021  
**ELECTORAL DIVISION:** Ty'n y Nant

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#### **RECOMMENDATION: APPROVE**

**REASONS:** There is no significant difference between the previously approved scheme and the proposed amendments. As such, it is not considered the proposed amendments would have any further impact upon the character and appearance of the surrounding area, the amenities and privacy of surrounding neighbours, or highway safety than that which would occur if the scheme were to be developed in accordance with previously approved plans.

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

Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

This application seeks to vary the plans previously approved within planning permission ref. 19/0791/10. The previous application gained consent for the construction of a single storey storage unit at the site for the personal storage of the applicant's classic car collection. The previous application was granted on 23<sup>rd</sup> October 2019, subject to a number of relevant conditions. Condition 2 states:

*“The development hereby approved shall be carried out in accordance with the approved plans:*

- Drawing No. 001*
- Drawing No. 002*

*and documents received by the Local Planning Authority on 18/07/19, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.*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.”*

Development works have started on site and it is apparent that they are not progressing in accordance with the approved plans. The unit has not been located in the position previously set out and its height has increased. This application therefore seeks consent to retain the structure as built / being built by amending the wording of Condition 2 in line with the updated proposed plans/design. The proposed amendments consist of the following:

- Resiting of the unit 4.5 metres to the south of its original position, towards the centre of the plot. It has been indicated that this was required due to the location of a sewer line towards the northern boundary of the site that would have needed to be moved or built over.
- The ridgeline of the building has increased from 6.5 metres to 7.4 metres in height, with the eaves height increasing by 1 metre, from 5 metres to 6 metres.
- The forecourt depth to the east of the building has been reduced by 0.5 metres, from 10 metres to 9.5 metres.
- The applicant has also indicated that he wishes to amend the approved cladding colour from Goosewing Grey to Merlin Grey.

The amendments have not seen any changes to the footprint of the structure which are 24 metres in width by 12 metres in depth.

Members are advised that amended plans were received on 02<sup>nd</sup> August 2021 as several discrepancies were found between the original set of plans.

## **SITE APPRAISAL**

The application site forms an irregular parcel of land located within an established residential area of Ty Nant, Beddau. The site extends to approximately 0.12ha and is bound on all sides by residential streets with Heol Y Beddau to the south and west, Wellfield / Wellfield Mews to the north and Mildred Street to the east. The site was previously overgrown and of an unkempt appearance with several existing storage containers and structures located towards the centre. Access to the site is gained via an existing unadopted service lane which adjoins Heol Y Beddau to the south of the site. The access lane also serves the rear of neighbouring properties along Mildred Street.

During the Officer site visit it was clear that works on site had commenced with the steel framework of the unit and boundary fence in place.

## **PLANNING HISTORY**

The most recent planning applications on record associated for this site are:

**19/0791/10:** LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG

Single storey storage unit. (Coal Mining Risk Assessment Received 26/09/19)

Decision: 23/10/2019, Grant

**20/0278/38:** LAND OFF HEOL Y BEDDAU, TYNANT, BEDDAU, PONTYPRIDD.

Discharge of Condition 6 (Site Investigation Report)

Decision: 18/09/2020, Grant

## **PUBLICITY**

The application was originally advertised by direct notification to neighbouring properties as well as notices displayed at the site.

3 Letters of objection and 2 petitions of 60 separate signatures were received from occupiers of neighbouring properties. The points raised have been summarised below:

- Lack of awareness of the previous application and approval
- Size and appearance of the development
- Accessibility and highway safety concerns using the rear lane
- Highway safety concerns associated with the junction onto Heol Y Beddau
- Effect on property values
- Deviations to the original plans
- Overshadow properties at Mildred Street
- The use of the development
- Loss of light
- Misleading information presented in the original planning application
- Boundary fence restricts residents use of the land for turning
- Decimation of hedges and trees that used to be on the land
- Sewer crossing the site could be impacted by the proposed development
- Failure to protect residents' interests during the original application
- Application site does not benefit from SuDS approval
- Surface water from site enters local drainage network
- Application is in breach of covenant set out in original sale from the Council as land has not been revalued and payment to the Council has not taken place; and an area of land has not been retained for use by residents
- Incorrect dimensions shown on plans

Following the submission of amended plans the consultation process was undertaken for a second time. Members are advised that the second consultation period has not expired at the time of writing this report but will do prior to the Committee meeting (31<sup>st</sup>

August 2021). Any responses that are received between the time of writing and the Committee meeting will be reported to Members as late letters.

## **CONSULTATION**

**Transportation Section:** No objection subject to conditions.

**Public Health and Protection:** No objection.

**Dwr Cymru Welsh Water:** No objection following a sewer trace being undertaken.

**Corporate Estates:** No objection raised following a review of the deed of sale.

**Flood Risk Management (Drainage):** No objection raised.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Beddau and is not allocated for any specific purpose.

**Policy CS2** – sets out the criteria for development in the Southern Strategy Area.

**Policy AW2** – supports development 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** – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

### **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) sets out the Welsh Government's (WG) current position on planning policy. The document 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. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

Members are advised that the original application was determined prior to the current edition of PPW (Edition 11) and the introduction of FW2040. The aims and general context of the revised PPW document have remained unaltered since previous versions, with the emphasis being on sustainable development; and the general thrust and context of FW2040 are also that of sustainable development. As such, it is not considered there have been any specific national policy revisions relevant to this scheme between the original decision and this application.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

## **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 scheme relates to the construction of a single storey storage unit at the application site. The original consent, 19/0791/10, was granted in October 2019, subject to a number of relevant conditions. This application seeks to vary the plans previously approved in order to allow for the resiting of the unit, an increase in height, a reduction in forecourt depth, and an alteration to the colour of the external cladding.

It is therefore considered the principle of development at the site has already been established and that the key considerations in the determination of this application are

whether the amendments to the scheme would have any further impact than the structure original approved, an assessment of which is set out below.

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

Objections received raised concerns that the structure is out of character with the surrounding area, however, the overall appearance of the development does not vary significantly from the originally approved scheme. Whilst the alteration in siting has obviously changed the appearance of the site from that originally approved, it is not considered the new location of the structure results in a significant difference in layout/appearance from that originally approved. Additionally, whilst the amendment has seen the height increased by 1 metre, the structure would still remain largely screened from view outside of the immediate vicinity of the site and would therefore not be any more prominent than that previously approved.

With regard to the amended cladding colour, it is not considered that this alteration would result in any noticeable difference in the overall appearance of the development. The darker tone of grey may actually result in the unit being less prominent when viewed from neighbouring properties.

It is also noted that the wider alterations being undertaken throughout the rest of the site as part of the broader redevelopment works would ensure any potential visual impact from the amendments would be minimised and go almost unnoticed in the wider context of the overall scheme.

It is therefore considered the proposed amendments are relatively minor in nature and would not have any further visual impact in comparison to the scheme previously approved.

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

Whilst the new siting of unit increases the distance between it and properties at Wellfield Mews and Wellfield to the north, the separation distance between it and the neighbouring properties at Heol Y Beddau to the south has reduced. However, when considering that the unit would still be separated from the rear of these properties by at least approximately 25 metres, it is not considered to result in such an impact that would warrant a refusal of the application.

Whilst the alteration has seen the height of the structure increase by 1 metre which will inevitably result in additional mass, when considering the separation distances highlighted above, it is not considered that this amendment will result in any further impact than that which would have occurred if the structure was built in accordance with the originally approved plans.

It is noted that the objectors have raised concerns in respect of the proposed use of the unit. Whilst these comments are noted, the application does not propose any change to the use previously approved, just the physical changes to the building set out above. As such the unit would only be used for the personal storage of the applicant's classic car collection, a condition to which is attached to the original consent and is also set out below.

Therefore, whilst the comments raised by the objectors are noted, it is not considered that the proposed amendments result in a significantly different impact upon the amenities of the neighbouring properties in comparison to that which would occur if the building were to be constructed on site as originally approved.

### **Impact on highway safety**

Highway safety concerns were raised by the objectors regarding the use of the access lane and junction with Heol Y Beddau. The Council's Transportation Section were also notified during the consultation period in order to provide comments on the suitability of the application in respect of highway safety impacts.

In their assessment of the scheme the Transportation Section commented that the site benefits from a previous planning permission for a similar development to that proposed and they do not consider the amendments would have any detrimental impact in terms of highway safety. Therefore, no objection is raised. They noted that the site is large enough to meet its SPG access, turning and parking requirements and the amended site layout is acceptable.

It is noted that the objectors have commented that the enclosing of the land has prevented residents using it for turning. Whilst this is regrettable, the land is under the ownership of the applicant and surrounding residents have no right of access.

Taking the above into account, whilst the objectors concerns are acknowledged, the application is considered acceptable in this regard.

### **Drainage**

The objectors raised concerns that the development has commenced and does not benefit from SuDS approval. This point has been confirmed by the Council's Flood Risk Management team (FRM). FRM noted that SuDS consent has not been granted at the site but that there is sufficient scope within the site to implement an appropriate scheme and that a retrospective application was possible, which should overcome any concerns.

To ensure that this matter is resolved, should Members be minded to approve the application, a condition has been recommended below requiring full site drainage arrangements be submitted to the Council for approval within 56 days of consent, and the unit shall not be brought into beneficial use until the approved drainage arrangements have been implemented on site.

It is also noted that concern was initially raised by Dwr Cymru Welsh Water (DCWW) with regard a sewer crossing the site that was not previously on their records and was only brought to their attention during this planning application. As such, the applicant was required to undertake a sewer trace to discover the location, ownership and size of the sewer. The applicant has undertaken these works and submitted the results to DCWW for approval. Following assessment of the results DCWW have no objection to the scheme subject to the developer entering into a legal agreement with them.

## **Land Ownership**

The objections received raised concerns that the development is not compliant with the terms of sale from the Council, specifically that the site does not include any retained land for use by the local community. However, following consultation with the Council's Corporate Estates Department it was confirmed that the land in question does not include any retained land and the applicant is within his rights to enclose and use the land as he wishes, subject to any relevant and necessary planning approvals.

Additionally, the objectors raised the issue of the land uplift payment set out within the deed of sale. Corporate Estates confirmed that they have not yet reclaimed this payment, but there is no time limit to this process and it will be completed in due course.

Whilst the above concerns are noted, Members are advised that any issues with respect to covenants on site would form a civil matter between the relevant parties and are not material to the determination of this planning application.

## **Other issues raised by the objectors**

The objections received raise concern that the building being constructed does not match the submitted plans. Members are advised that an Officer has visited the site to investigate this claim. During the visit it was made clear that the current ground levels have been reduced to allow for the creation of the foundations and concrete floor/subbase. As such, once the levels have been reinstated, the development will comply with the proposed plans.

The objectors have indicated that no notification or consultation had taken place during the original planning application and therefore the existing consent is not lawful. However, Members are advised that all of the correct procedures and consultation processes were followed during the processing of the original planning application; and the relevant pre-commencement conditions were discharged prior to any works starting on site.

The right to light and impact upon property values were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this application.

## **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) however the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore, no CIL would be payable.

## **Conclusion**



Overall, it is not considered that there is a significant difference between the previously approved scheme and these proposed amendments. As such, it is not considered the amendments would have any further impact upon the character and appearance of the surrounding area, the amenities and privacy of surrounding neighbours, or highway safety in comparison to that which would occur if the scheme were to be developed in accordance with the previously approved plans.

The application is therefore considered to comply with the relevant policies of the Local Development Plan and is recommended for approval, subject to the conditions detailed below.

**RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 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):

- Drawing No. 001 RevA
- Drawing No. 002 RevB

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 use of the storage unit and yard hereby approved shall at all times be restricted to private storage use and no trade or business shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent and in the interests of neighbour amenity and the safety of all highway users, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. 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: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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 further development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The full site drainage arrangements shall be submitted to the Local Planning Authority no later than 56 days from the date of this consent. The drainage arrangements shall be carried out in accordance with the approved details prior to beneficial use of the storage unit hereby approved.

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

7. Details of the finished level of the site in relation to the existing ground level shall be submitted to and approved in writing by the Local Planning Authority prior to any further development works be undertaken on site. The development shall be implemented in accordance with the approved details thereafter.

Reason: To define the scope and extent of this consent and to ensure that the approved scheme will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.