



## **PLANNING & DEVELOPMENT COMMITTEE**

**21 OCTOBER 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0687/10 (BJW)  
**APPLICANT:** Stradstone Ltd  
**DEVELOPMENT:** 2 pairs of semi detached houses.  
**LOCATION:** LAND SOUTH OF TAFF TERRACE, CLYDACH,  
TONYPANDY  
**DATE REGISTERED:** 11/05/2021  
**ELECTORAL DIVISION:** Cwm Clydach

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**RECOMMENDATION:** Approve

**REASONS:** The principle of housing on this site has been firmly established by the previous grant of outline permission followed by the subsequent application to extend this consent which have then expired.

The current proposal for the full consent at the site is for two pairs of semi-detached dwellings. It is considered that the slight increase in the number of dwellings would be a more productive use of this limited site and would provide an acceptable form of modern and contemporary development that would be in keeping with surrounding land uses, would be acceptable to the amenity of neighbouring properties, the visual amenity of the area and highway safety considerations.

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#### **REASON APPLICATION IS BEING REPORTED TO COMMITTEE**

Councillor Norris has requested that the application be reported to committee in order to address the use of a path to the nearby school (Cwmclydach Junior School).

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of two pairs of semi-detached dwellings on the site to the south of Taff Terrace, Clydach Vale, Tonymandy.

The houses would be set back from the main highway of Taff Terrace with three parking spaces per dwelling arranged at the front of the site.

Each pair of houses is 10.5 m wide to the street; 7.5 m deep; 5.2 metres to eaves and 7.5 m to ridge and would feature the following accommodation:

- Hall, living room, store room and kitchen/dinning room at ground floor; and
- Three bedrooms and a bathroom at first floor level.

The houses would be rendered with an ivory thru-tone render to fit in with the rendered finish on the surrounding houses. Windows, bargeboards, fascias and soffits would be anthracite UPVC with black UPVC rainwater goods.

The existing highway surface is provided with surface water drainage via gullies. The footway to the frontage of the site and the adjacent builder's merchant has not been made up to the appropriate highway standard. It is therefore proposed that the footway be made up to link with existing and provide a kerb at the highway edge to direct all highway surface water into the existing gullies and stop any such surface water from running onto the site.

All parking areas and footpaths will be constructed in permeable paving. Front gardens will be laid to lawn and will be bounded by a steel boundary fence between brick piers. Rear garden boundaries would be close boarded timber fences 1.80 metres high to provide private rear garden amenity areas.

The site has a previous (outline) consent dating back to 2011 which was then renewed in early 2015. As it was not subsequently renewed at the beginning of 2020 it is now expired.

It should be noted that the initially submitted layout has been amended due to concerns raised by the Transportation Section in relation to pedestrian access to the front of the properties and the parking layouts for plots 1 and 4.

## **SITE APPRAISAL**

The application site is a vacant, largely rectangular, plot which is located within the settlement boundary on the northern side of the valley. The site has a frontage of 39m and an area of approximately 0.1 hectares (1019sq.m) falling away from Taff Terrace.

The site is situated within the established residential area of Clydach Vale in Tonypany. The surrounding area is predominantly late Victorian development most of which is typical valleys terraced houses. The existing dwellings on Taff Terrace face the rear of dwellings fronting Clydach Road, the main road through the village.

Downhill and to the east of the site is a development of detached suburban houses constructed circa 1989.

The site is on the edge of the former Cambrian Colliery reclamation scheme completed in 1989 and comprises of original ground at Taff Terrace and approximately 6 metres of engineered fill at the southern edge over the line of the former Taff Vale Railway branch line.

Since the completion of the reclamation scheme the site has remained unused.

## **PLANNING HISTORY**

|         |  |   |                         |
|---------|--|---|-------------------------|
| 21/0412 | Land adjacent to 1 Taff Terrace, Clydach Vale          | Renewal of planning permission for 3 dwellings (previous application 11/0214/13).   | Withdrawn<br>24/05/2021 |
| 19/1089 | Land adjacent to Taff Terrace, Clydach Vale            | Extend the original planning permission 14/1419/15.   | Withdrawn<br>30/01/2021 |
| 14/1419 | Land on old Builders yard, Clydach, Tonypany, CF40 2BE | Variation of condition 1(C) of planning approval 11/0214/13 to extend the time limit for the submission of reserved matters for a further 3 years | Granted<br>15/01/2015   |
| 11/0213 | As above   | 3 No. link terraced dwellings (outline)(amended description).   | Granted<br>10/11/2011   |

## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. No responses have been received.

## **CONSULTATION**

Transportation Section – There is concern that the informal turning facility and access to the school will be removed as part of the proposal. However, taking into account this is an informal arrangement, the land is in the ownership of the applicant and there is existing permission granted for housing development, no highway objection has been raised, subject to conditions.

Land Reclamation and Engineering (Drainage) – no objection, subject to conditions to require the drainage arrangements to be submitted to and approved by the LPA and the agreed scheme implemented at the site. Advice is also offered in relation to Sustainable Drainage Approval and notifying the applicant of their requirements under Schedule 3 of the Flood and Water Management Act 2010.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction period, and standard informative notes.

Dwr Cymru Welsh Water – no objection, subject to conditions and informative notes. Also identifies a public sewer crossing the site to which no development shall be placed within 3 metres.

Countryside, Landscape and Ecology – no comments received within the consultation period.

## **POLICY CONTEXT**

The site is within the settlement boundary of Clydach Vale and is unallocated.

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

**Policy CS1** - sets out criteria for achieving sustainable growth.

**Policy AW1** - sets out the criteria for new housing proposals.

**Policy AW2** - promotes development in sustainable locations.

**Policy AW4** - details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

**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 AW8** - only permits development where it would not cause harm to features of the natural environment.

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

**Policy NSA11** - the provision of at least 10% affordable housing will be sought on sites of 10 units or more.

**Policy NSA12** - supports housing development within and adjacent to defined settlement boundaries.

### **Supplementary Planning Guidance (SPG):**

Design and Placemaking

Access, Circulation & Parking Requirements

### **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.

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 relatively modest 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 relevant national policy guidance consulted:

Technical Advice Note 2 (2006): Planning and Affordable Housing

Technical Advice Note 12 (2016): 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 development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies within the Local Development Plan.

The proposal is for two pairs of semi-detached residential dwellings with off-street parking and rear garden amenity areas. The principle of residential development within the wider site has already been established by virtue of the previously approved applications and the subsequent renewal for residential development at the site, although it is acknowledged that these consents have now expired.

Consequently, subject to other matters to be addressed later in this report, the principle of the development is considered to be acceptable.

#### **Impact on amenities of neighbouring properties**

The proposal represents two pairs of dwellings with a modern and contemporary character and appearance. While it is acknowledged that existing properties are of a certain historic character, there are more modern individual dwellings as well as larger concentrations of more modern designs and housing types interspersed within the fabric of the area.

The dwellings that are proposed could be accommodated at the site without leading to over-development. Additionally, it is considered that due to their layout and siting, the proposed properties would not have a detrimental impact on the amenity of neighbouring properties by way of loss of privacy or amenity and would not have an overbearing impact.

Additionally, it is also acknowledged that there have been no adverse comments from neighbouring properties as part of the consultation exercise for the proposal.

Therefore, having regard to the issues above it is considered that the proposal is acceptable in this regard.

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

The proposed dwellings would be in keeping with the more modern developments that have been built within the immediately surrounding area.

The proposed dwellings are considered to be attractive, contemporary and modern properties that would be in keeping with the character and appearance of the area and the visual amenity of the immediate and surrounding locality.

### **Highway safety**

The Transportation Section has raised no objection to the application, subject to appropriately worded conditions. This view acknowledges the amended layout plans that address the initial concerns expressed by the Transportation Section and provides adequate parking facilities and safe pedestrian access to the proposed properties.

### **Other issues**

The comments of the Public Health and Protection Division in respect of a condition to restrict the hours of operation during construction are acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.

In terms of the current access across the site to the nearby school, this is an informal arrangement and the land is wholly under the ownership of the applicant who could stop this at any time. Any request to make this arrangement a formal Public Right of Way (PROW) is a matter that should be addressed through a claim for a PROW which do not form the scope of a planning application and are a separate matter that would be dealt with by the Council's Public Rights of Way Section. At present, no such claim has been made for this site.

### **Community Infrastructure Levy (CIL)**

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 application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable. Therefore no CIL would be payable.

### **Conclusion**

The development would provide a productive use of a vacant and disused piece of land within the settlement boundary with a long history of consents for residential use.

The proposal would also add to the variety and housing types within the area and would be consistent with the residential use, character and appearance of the surrounding area.

While the issue around the use of the site as access for Cwmclydach School is acknowledged, it is considered that this is part of a separate and formal procedure that can be appropriately dealt with via the correct route.

Finally, the development would not be detrimental to the amenity of neighbouring properties or highway safety considerations and is therefore considered to be acceptable.

**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)

- Site Location Plan, Drawing no. 1132-01, Revision A
- Proposed Site Plan, Drawing no. 1132-03, Revision E,
- Typical Ground Floor Plan of a pair of houses (Proposed), Drawing no 1132-04
- Typical First Floor Plan of a pair of houses (Proposed), Drawing no 1132-05
- Typical Elevations of a pair of houses (Proposed), Drawing no 1132-06

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

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until samples of the materials, including colours, proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until the applicant evidences how the development is to take into account the local surface water flood risk and outlines a strategy to ensure the structures are resilient.

Reason: To ensure the development does not increase the number of residents at risk of surface water flooding in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No dwelling shall be occupied until the drainage works approved under condition 5 have been completed in accordance with the approved plans.

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

7. Before the development is brought into use the means of access, together with the parking facilities, shall be laid in accordance with submitted plan 1132-03 REV E and approved by the Local Planning Authority. The car parking spaces shall be surfaced in permanent material and retained for parking thereafter.

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

8. Notwithstanding the submitted plans, prior to the commencement of development, design and details of the new proposed footway along Taff Terrace fronting the site shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans and implemented prior to beneficial occupation.

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



9. 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

10. 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.