



## **PLANNING & DEVELOPMENT COMMITTEE**

**25 NOVEMBER 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1208/10 (LJH)  
**APPLICANT:** Mr M Jones  
**DEVELOPMENT:** Proposed construction of new dwelling with attached garage.  
**LOCATION:** LAND ADJACENT TO CARTREF MELYS, HEOL LLECHAU, ABERLLECHAU, PORTH, CF39 0PP  
**DATE REGISTERED:** 06/09/2021  
**ELECTORAL DIVISION:** Tylorstown

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#### **RECOMMENDATION: REFUSE**

**REASONS:** The site lies outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) in an unsustainable location. New residential development is not supported in such a location and no suitable justification has been submitted to negate this.

The proposal therefore is contrary to Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan.

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

The application is reported to the Planning and Development Committee for final determination at the request of Councillor Julie Edwards so that Members can fully consider the principle of the proposed development.

#### **APPLICATION DETAILS**

Full planning permission is sought for the erection of a new detached dwelling on land adjacent to Cartref Melys, Heol Llechau, Aberllechau, Porth. The two-storey detached dwelling is proposed to be sited centrally within the plot and is proposed to measure 10 metres in depth by 20 metres in width, including the attached garage. The dwelling would have a hipped roof measuring a total height of 8.5 metres, sloping to 5 metres at the eaves. The main living areas would be laid out at ground floor level with five bedrooms and three bathrooms, including one en-suite, at first floor level.

The dwelling is proposed to be finished in render, stonework, artificial slate roof tiles, and uPVC. Access to the site is proposed from Heol Llechau and the private driveway serving Cartref Melys to the east of the site.

## **SITE APPRAISAL**

The application site is a rectangular shaped parcel of land measuring approximately 1600m<sup>2</sup>, located at the end of Heol Llechau, Aberllechau, Porth. Vehicular access to the site is gained via Heol Llechau. The front elevation of the property addresses a southerly direction. To the east the dwelling would be largely screened from the highway by the existing dwelling known as 'Cartref Melys', which is a detached property of modern design and construction. To the south of the dwelling lies vacant land, with dwellings along Pleasant View beyond.

## **PLANNING HISTORY**

**13/0269/10:** LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN.

One detached dwelling (Revised plans received 11/07/13)

Decision: 27/09/2013, Granted.

**17/0651/10:** LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN, PORTH

New detached dwelling and detached garage (Amended plans received 03/08/17).

Decision: 06/09/2017, Granted.

## **PUBLICITY**

The application has been advertised by means of site notices. No representations have been received.

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions relating to surfacing of the private access road, surface water run-off, the use of the garage, HGV deliveries, traffic management, and wheel washing.

Flood Risk Management – No objection or recommendation for condition in relation to surface water flood risk for this application. The development's surface water flood risk will be adequately managed by the requirements of both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

Public Health & Protection – No objection subject to conditions relating to demolition, hours of operation, noise, dust and waste.

Ecology – No objection subject to a condition relating to submission of suitable mitigation/enhancement measures.

Dwr Cymru Welsh Water - No objection in principle to the foul flows being discharged to the public sewer. A condition is suggested to ensure that no surface water is discharged via the public sewerage network. Further advice is provided.

Western Power – No objection or conditions suggested. It is advised that the Applicant is made aware that if they require a new connection or a service alteration they will need to make a separate application to WPD.

## **POLICY CONTEXT**

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

The site is located in the Northern Strategy Area, outside and detached from the defined settlement boundary.

**Policy CS 1** – The policy emphasis is on sustainable growth in the Northern 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.

**Policy AW 1** – The policy outlines the strategies used to meet housing land requirements. It does not include development of unallocated sites outside settlement boundaries as a strategy.

**Policy AW 2** – The policy 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.

**Policy AW 5** – The policy sets out criteria for appropriate amenity and accessibility on new development sites.

**Policy AW 6** – The policy requires that development proposals are of a high standard of design and are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing.

**Policy NSA 12** – The policy supports residential development proposals which are situated only within or adjacent to the defined settlement boundary.

**SPG** – Design and Placemaking

**SPG** – Delivering Design and Placemaking: Access, Circulation and 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) 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; and is also inconsistent with the Well-being of Future Generations (Wales) Act's sustainable development principles as set out below.

It is also considered the proposed development is not compliant with the NDF, with the following policies being relevant to the development proposed:

1. Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
2. Policy 3 – Supporting Urban Growth – Council and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

Other national policy guidance considered:

PPW Technical Advice Note 5 – Nature Conservation and Planning  
PPW Technical Advice Note 12 – Design  
PPW Technical Advice Note 18 – Transport

## **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 application relates to the erection of a new, detached dwelling outside the settlement boundaries identified in the Rhondda Cynon Taf Local Development Plan (LDP). Policy AW 1 and AW 2 of the LDP have a strong presumption against development of this kind outside defined settlement boundaries except in instances where the development could be considered to be necessary in the interests of agriculture, forestry, or rural enterprise.

The proposed site is considered an unsustainable location for new residential development as it is not within any defined settlement boundary, it has no accessibility

other than by car, it would not benefit from any sustainable transport options, it has no access to key services and facilities and it would not form part of a larger defined settlement.

The following is a list of some types of development that would be permissible within the countryside:

- justified rural enterprise needs;
- limited extension, alteration or replacement of existing dwellings; or
- small scale diversification within farm complexes where this is run as part of the farm business.

The proposal constitutes none of the above.

Planning Policy Wales only permits new residential dwellings within the countryside where it has been clearly demonstrated that there is no previously developed land or underutilised sites that could, instead, accommodate the proposal. The site would not be located within or adjoining any defined settlement and whilst only a single dwelling, would constitute an incremental erosion of the character of the area, which in time would result in its overall detriment. There are other means by which a proposal could mitigate its harm upon a rural area; however, no relevant justification for the proposal has been received.

It is acknowledged that planning permission was approved for a similar dwelling at the adjacent plot in 2013 (13/0269/10), which is also situated outside of settlement limits. However, that application was also recommended for refusal by officers for the same reasons set out above, but the decision overturned by Members at Committee who considered the house would not represent unjustified development in the countryside.

The subsequent approve for a dwelling at the adjacent plot in 2017 also details that the site is outside of the settlement boundary, but as this application simply proposed that the originally approved dwelling be re-located within the site and the previous 2013 consent was still live, this application was approved.

Taking into account the above, the principle of the development is considered to be contrary to Planning Policy Wales and the relevant Local Development Plan policies. The proposal would constitute an unjustified form of development within an unsustainable location.

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

With regards to the impact upon the character and appearance of the area, the site is well screened from the adjacent highway, Heol Llechau, by the existing detached dwelling, Cartref Melys, and it is therefore not considered that the dwelling itself would have a significant impact upon the character and appearance of the immediate area. It is accepted the dwelling would be visible from cross valley viewpoints, but it is not considered it would have any further impact than adjacent property.

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

Given the position and proximity of the nearest residential dwellings to the site, there is not likely to be an impact upon the residential amenities of adjacent occupiers in terms of loss of privacy, shadowing, or being overbearing.

It is also noted that no letters of objection have been received from nearby properties.

### **Impact on highway safety**

The Council's Transportation Section were consulted in order to provide comments on the suitability of the application in respect of highway safety. No objection has been raised subject to conditions relating to surfacing of the private access road, surface water run-off, the use of the garage, HGV deliveries, traffic management, and wheel washing.

### **Other Issues**

The following other considerations have been taken into account with regard to this application, though were not key determining factors in reaching the recommendation:

#### **Public Health**

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 these issues.

#### **Drainage**

The Council's Flood Risk Management Section do not object and they state that the developments surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010. No objection has been raised by Dŵr Cymru/Welsh Water.

#### **Ecology**

The Council's Ecologist has concluded that ecology issues associated with the site are likely to be minor given that it has already been cleared. However, if Members are minded to approve the application, it is recommended that a condition be appended in respect of submission of suitable mitigation/enhancement measures in line with PPW 11.

#### **Utilities**

Western Power Distribution - The applicant must be made aware that if they require a new connection or a service alteration they will need to make a separate application to WPD.

The request above can be satisfied by appending the appropriate informative note to any subsequent consent.

## **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 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 application site is located outside of the defined, fixed, settlement boundary within an unsustainable location. Consequently, the proposed development fails to comply with the key sustainable development objectives of Policies CS1, AW1, AW2 and NSA12 of the Rhondda Cynon Taff Local Development Plan.

## **RECOMMENDATION: Refuse**

1. The site lies outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) in an unsustainable location. New residential development is not supported in such a location and no suitable justification has been submitted to negate this.

The proposal therefore is contrary to Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan.