

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	21/1456/10	(BJW)
APPLICANT:	Mr S Rees	
DEVELOPMENT:	Three bed dwelling.	
LOCATION:	LAND ADJ TO 2 CHEPSTOW ROAD, CWMPARC, TREORCHY	
DATE REGISTERED:	01/11/2021	
ELECTORAL DIVISION:	Treorchy	

RECOMMENDATION: Approve.

REASONS: The site is located in a prominent roadside position within the settlement boundary of the village of Cwmparc. Consequently, the principle of the development, the construction of a dwelling is broadly considered to be acceptable, subject to compliance with other policies within the Local Development Plan (LDP).

Additionally, the site benefits from an outline consent for a single dwelling. Therefore, the principle of the development has clearly been established as acceptable by virtue of the previously approved outline application.

The application property would be a large contemporary dwelling within a traditional setting of historic terraces on the valley floor and in a prominent roadside location. The site is currently a disused area of rough grassland with some dense bramble areas. The proposal would make a more productive use of the site and provide an opportunity for a windfall site for housing within a sustainable residential setting.

The proposal 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, potentially contamination issues, highway safety considerations and any wider ecological issues.

It is considered that, subject to appropriate conditions, the application would be acceptable and therefore a recommendation to approve the development is offered.

REASON APPLICATION IS BEING REPORTED TO COMMITTEE

- A petition with 34 signatures has been received, objecting to the application.

APPLICATION DETAILS

Full planning permission is sought for the construction of a single, large contemporary two storey dwelling (in the form of a dormer bungalow) on land adjacent to 2 Chepstow Road, Cwmparc, Treorchy.

The house would be set within the centre of the site, approximately 8.2m from the footway, located to the south. The property would be arranged with a vehicular access in the south-east corner of the site, a front garden/hardstand/turning area, a side access/hardstand with cycle parking area and two terraced rear garden areas.

The house itself would measure 11.9m in width by 8.1m in depth by 2.6m in height to the eaves and 6.57m in height to the highest part of the roof. The dwelling would be arranged over two floors with the upper floor being accommodated within the roof with a central front gable and a total of five, pitched-roof dormers (two front, three rear).

Accommodation would consist of the following:

Ground floor – Hall, study, kitchen/dining/sitting room, shower room with W.C., utility room and bedroom.

First floor – Landing area, 2 no. bedrooms and a bath/shower/W.C.

The house 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 site has a previous (outline) consent, for a single dwelling, approved in 2020.

SITE APPRAISAL

The application site consists of a parcel of land that measures approximately 450 square metres and a frontage of 17.9m. The site is irregular in shape and is located on the junction with Park Road and the entrance to Chepstow Road.

The site levels increase from south-east to north-west with the highest point being at the rear of the site. The majority of the site is covered with grass and shrubbery with areas of fairly dense bramble. An electricity sub-station is also located within the site along the south-eastern boundary. On its south-western boundary the site is bounded by unused land, to the south-eastern boundary the site is bounded by Chepstow Road with the north-eastern and north-western boundaries adjoining no. 2 Chepstow Road and the rear lane at Castle Street respectively.

Neighbouring properties at Chepstow Road, Park Road, and Castle Street are all traditional terraced dwellings of a similar scale and design. However, it is noted that throughout the village of Cwmparc there are a number of new build properties located in close proximity to traditional terraced dwellings.

PLANNING HISTORY

19/1084	Land adjacent to 2 Chepstow Road, Cwmparc, Treorchy	Proposed dwelling (outline)	GTD 27/02/2020
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PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. A petition has been received, objecting to the application on the basis that the site hosts wildlife. Slow worms and hedgehogs are specifically stated. The petition is signed by 34 signatories.

CONSULTATION

Transportation Section – The proposed development provides satisfactory off street car parking with access / egress in forward gear and is therefore acceptable subject to a number of conditions. 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 Local Planning Authority 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, conditions to address potentially contaminated former land uses 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 – given the contents of the petition received the Council's Ecologist was asked for additional comments in relation to the site. Ecologist acknowledged that there was some potential for slow works although this was limited because of the domination by very tall bramble which would reduce suitable areas. Additionally, there is some potential that hedgehog may occasionally hibernate or rest in the dense bramble cover.

Therefore, as a precaution, if this planning applications gains planning permission a condition for a pre-commencement ecological mitigation plan that includes nesting bird avoidance measures, a precautionary slow worm mitigation strategy and a precautionary hedgehog mitigation strategy should be included.

POLICY CONTEXT

The site is within the settlement boundary of Cwmparc and is unallocated.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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 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 a large, detached residential dwelling 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 outline application for residential development at the site.

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 application proposes a single, detached dwelling within the settlement boundary with a modern and contemporary character and appearance. While it is acknowledged that existing surrounding 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 dwelling that is proposed could be accommodated at the site without leading to over-development. Additionally, it is considered that due to its layout and siting, the proposed dwelling 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, the site already benefits from an outline consent, that firmly establishes the principle of the development of the site for housing.

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

Character and appearance of the area

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

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

The proposal would be a visually striking, modern and contemporary dwelling, in keeping with the more modern developments within the surrounding area.

Consequently, it is considered that the proposal is acceptable in this respect.

Highway safety

The Transportation Section has raised no objection to the application, subject to appropriately worded conditions.

This view acknowledges that the site is in a sustainable location, close to alternative modes of transport and local amenities. The layout provides acceptable access arrangements for pedestrians and vehicles, including calling service and delivery vehicles. The layout also includes adequate levels of off-street parking for motor-vehicles and cycles as well as on-site manoeuvring that would allow those vehicles to enter and leave the site in a forward gear.

Consequently, it is considered that, subject to the suggested conditions, the application is acceptable in this regard.

Other issues

The comments of the Public Health and Protection Division in respect of conditions in relation to potentially contaminating former land uses is acknowledged and it is considered reasonable and necessary to include these conditions to ensure the health, safety and wellbeing of the end user of the site and neighbouring properties.

The suggested condition to restrict the hours of operation during construction is acknowledged, however it is considered that this issue can be better addressed through other legislative controls open to the Council.

In terms of the petition signed by local residents in relation to ecological issues the following comments are offered.

The site has been examined by the Council's Ecologist who considers that the potential for the site to provide a positive habitat for slow-worms or hedgehogs would be very limited and transient in nature. It is suggested that conditions be imposed for a pre-commencement ecological mitigation plan that includes nesting bird avoidance measures, a precautionary slow worm mitigation strategy and a precautionary hedgehog mitigation strategy.

Consequently, it is considered that this issue can be adequately dealt with through the imposition of this condition.

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 that already benefits from an outline consent 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.

Finally, the development and would not be detrimental to the amenity of neighbouring properties, potentially contaminated previous land uses, ecology and 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
- Proposed layout plan (ground floor), Dwg. No: PDCR21-311
- Proposed layout plan (ground floor), Dwg. No: PDCR21-312
- Proposed elevations plan, Dwg. No: PDCR21-313
- Proposed elevations plan, Dwg. No: PDCR21-314
- Proposed Section plan, Dwg. No: PDCR21-315
- Proposed boundary treatment and layout plan, Dwg. No: PDCR21-316

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 comply with the requirements of Section 8.3 of Technical Advice Note 15.

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.

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 and turning facilities, shall be laid out in accordance with submitted plan PDCR21-311 surfaced in permanent material and approved by the Local Planning Authority.

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

8. Prior to the development being brought into use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

Reason: In the interests of highway and pedestrian safety traffic 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. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition [insert number]) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local

Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

12. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to the development hereby approved commencing, including site clearance, a pre-commencement ecological mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for nesting bird avoidance measures, a precautionary slow worm mitigation strategy and a precautionary hedgehog mitigation strategy.

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