

**PLANNING & DEVELOPMENT COMMITTEE**

**17 MARCH 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0004/10 (JE)  
**APPLICANT:** Mr J Wool  
**DEVELOPMENT:** New detached 4 bed dwelling.  
**LOCATION:** LAND TO THE REAR OF 1 LLWYNFEN ROAD, PONT-Y-CLUN, CF72 0TW  
**DATE REGISTERED:** 04/01/2022  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION: REFUSE DUE TO THE FOLLOWING**

**REASONS:** The principle of the development is unacceptable as the proposal represents unjustified residential development outside of settlement limits. Further, the proposal would result in a detrimental impact upon highway safety in the vicinity.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from ward Member, Councillor Margaret Griffiths, so that Members can consider the full impact of the development proposed.

**APPLICATION DETAILS**

Full planning permission is sought for the construction of a detached dwelling on land to the rear of 1 Llwynfen Road, Pontyclun. The proposed dwelling would be split level in design and would be located towards the eastern boundary of the site with access gained via the existing rear access lane.

On its ground floor the proposed dwelling would measure a maximum width of 16.9 metres by a maximum depth of 13 metres. On the lower ground floor, it would measure a width of 11.5 metres by a depth of 8.2 metres. The structure would have a multi pitch roof design measuring a maximum height of 6.4 metres sloping to 5.2 metres on its southern elevation and a height of 3.5 metres sloping to 2.5 metres on all other elevations.

The dwelling would provide accommodation over two levels with an integral garage, office, en-suite bedroom, bathroom, utility, lounge and large kitchen/dining/living room on the ground floor, and 3 no. bedrooms on the lower ground floor.

## **SITE APPRAISAL**

The application site relates a parcel of land located to the rear of Llwynfen Road, Pontyclun. It is irregular in shape, extending to approximately 0.76ha, and is located outside of but adjacent to the settlement boundary for Pontyclun. The site is located towards the southern boundary of the settlement of Pontyclun with access gained via an unmade lane from the north west. The site is currently largely laid with concrete and accommodates 2 no. storage containers and various materials being stored in connection with the applicant's business. It is bound by the access lane to the north beyond which are the rear gardens of properties along Llwynfen Road, a steeply sloping vegetated embankment to the south, and no.11 Rhyd Y Nant to the east.

Surrounding development consist of largely of traditional terraced properties along Llwynfen Road and Palalwyf Avenue to the north and north west, and chalet bungalows along Rhyd Y Nant to the east.

## **PLANNING HISTORY**

There are no recent planning applications on record associated with this site.

## **PUBLICITY**

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

No letters of objection or representation have been received.

## **CONSULTATION**

**Transportation Section:** Objection raised.

**Flood Risk Management (Drainage):** No objection. Informative note suggested to make the applicant aware that separate SuDS approval will be required should the application gain consent.

**Public Health and Protection:** No objection. Conditions suggested with regard to hours of operation, noise, dust, waste and contamination.

**Dwr Cymru/Welsh Water:** No objection.

**Countryside (Ecology):** No objection.

## **POLICY CONTEXT**

**Rhondda Cynon Taf Local Development Plan**

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it has been reviewed and a replacement is in the process of being produced. 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 4<sup>th</sup> 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 4<sup>th</sup> 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 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies outside of but adjoining the settlement boundary for Pontyclun. It is not allocated for any specific purpose.

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

**Policy AW1** – Sets out the criteria for new housing proposals.

**Policy AW2** – Supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptable conflict with surrounding uses.

**Policy AW4** – Details the criteria for planning obligations, including the community Infrastructure Levy (CIL).

**Policy AW5** – Sets out the criteria for new development in relation to amenity and accessibility.

**Policy AW6** – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

**Policy AW8** – Sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10** – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

**Policy SSA13** - Permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

#### 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.

It is not 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. It is also considered the proposed development is not compliant with FW2040.

Other national policy guidance considered:

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 proposed site for the dwelling is adjoining but outside the defined settlement boundary of Pontyclun where new residential development is not normally permitted. Planning Policy Wales requires new housing to be well integrated into the existing pattern of settlements and development away from established settlements to be strictly controlled.

In this case, whilst the red line boundary of the application site abuts the defined settlement boundary of Pontyclun, site is outside of settlement limits and the siting of the proposed dwelling, located to the rear of the existing linear terrace and on land significantly lower in level, lacks a clear physical relationship with the existing settlement edge.

The supporting statement makes reference to the existing use of the site, accommodating a shed and container that are used in conjunction with the applicant's business. Whilst this use is not disputed and was clear during the Officers site visit, such uses are typical around the periphery of settlements and is not considered to provide justification for residential development at the site.

As such, whilst it is acknowledged that the proposed site would be physically linked to a Pontyclun, being located outside of the settlement boundary the site would be contrary to LDP Policies AW1, AW2 and SSA13 which do not support the provision of new housing outside of the settlement boundaries in the Southern Strategy area.

## **Highway safety**

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to the historic use of the site, access, visibility, circulation and car parking.

The historic use of the site by the applicant is not considered to have any bearing upon the current application under consideration, nor would it circumvent the assessment criteria required to be applied to this type of development.

Access to the proposed site will be via a network of residential streets where carriageway width for two-way traffic is reduced due to on street parking to both sides of the road. Access to the site will be via an un-adopted, unnamed lane from Llwynfen Road and Palalwyf Avenue that have narrowed carriageway width due to on street parking. Further, the unadopted, unnamed road is sub-standard in terms of vertical alignment, geometry, carriageway width, segregated footways, street lighting, highway drainage, turning areas, forward visibility and structural integrity.

The proposed development would introduce residential traffic and pedestrian movements onto the lane to the detriment of highway safety and the free flow of traffic. The submitted information attempts to demonstrate that the proposed means of access would be improved and should be acceptable in highway safety terms. However, the submitted information does not adequately address the issues raised above.

The vision splay requirement at the junction between the lane and Llwynfen Road for a 30Mph speed limit is 2.4m x 40m based on TAN 18. Due to the adjacent boundary wall and sub-standard junction radii the achievable visibility is well below this and considered to be severely sub-standard. Visibility is further impacted upon by the narrow width, sub-standard junction radii and high demand for on-street car parking within the vision splays. Any additional residential use would be to the detriment of safety to all highway users and result in additional risk to all highway users.

In accordance with the councils adopted SPG the proposed dwelling would require up to 3 off street parking spaces with 3 provided. However, while the parking spaces shown on the submitted plans measure 2.4m wide x 4.8m deep, making them just large enough to accommodate a single vehicle each, the lane providing access is only circa 2.7 – 3.3 metres in width. It is also noted from the submitted plans that the site around the spaces is narrow and constricted and no swept path analysis has been submitted to show that these spaces could be used in conjunction with one another or even individually, especially as at least one of the space relies on the other two spaces being clear to allow for the parking of a vehicle.

As such, the parking spaces would be constricted in their use by the manoeuvring areas required in order to utilise them, resulting in further reversing manoeuvres along the lane and onto the publicly maintained highway.

This would either result in the proposed spaces being underutilised, or dangerous manoeuvres on and around the access lane. In turn, this would lead to on-street parking demand to the detriment of highway safety and the free flow of traffic or reversing manoeuvres onto the public highway, to the detriment of safety to all highway users and result in additional risk to all highway users.

In light of the above, the proposed means of access to the site is considered sub-standard to serve a residential use and inadequate off-street parking provision is provided. The submitted information and proposed alterations/improvements to the lane would not adequately address the concerns raised above. Therefore, highway objections are raised.

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

The design of the proposed dwelling is considered acceptable in relation to its built form which is low lying to minimise its overall appearance. The submitted plans also indicate that the site is large enough to accommodate a dwelling of the scale proposed and retain sufficient space for amenity, access and parking. The proposed development would also result in a positive contribution to the appearance of the application site which is currently unkempt in appearance being used for storage purposes.

As such, taking the above into account, it is considered that the development would be acceptable in this regard.

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

As set out above, the site is located to the rear (south) of residential properties that front Llwynfen Road. Given the design of the dwelling which is single storey facing these properties and the separation distance of approximately 26m that would be achieved between the proposed dwelling and the rear property lines of the nearest residential units at Llwynfen Road, it is not considered the development would result in any significant impact upon the amenity of these properties.

With regard to properties at Rhyd Y Nant to the east, whilst the proposed dwelling would be separated from the closest dwelling, no.11, by only approximately 9.8 metres, as the proposed dwelling would be viewed as single storey on this elevation, it is considered that existing boundary treatments would provide an element of screening with any impact no greater than that which already occurs between neighbouring properties in the vicinity.

Consequently, it is considered that the proposed dwelling will not result in any adverse impact upon existing dwellings at Llwynfen Road and Rhyd Y Nant. Therefore, in terms of

the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

### **Public Health & Protection**

No objections have been received from the Council's Public Health and Protection Division. They did however note that a search of their records relating to potentially contaminating past land uses has shown that the application site is within 250m of a landfill and therefore potential hazards associated with land contamination may exist on site. As such a number of conditions are suggested requiring site investigations be undertaken at the site and the results be submitted to and approved by the LPA prior to any development works starting on site.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation to construction noise, waste, dust, lighting and soil sampling. Whilst these comments are appreciated, it is considered these matters can be more efficiently controlled by other legislation available to the Council.

### **Drainage**

No objection was raised to the application following consultation with the Council's Flood Risk Management Team. Their response sets out that a separate SuDS consent will be required for the development and requests that an informative note is included on any consent to make the applicant aware of this requirement.

The application site is located directly adjacent to, but outside of the C2 Flood Zone of the River Ely. As such no flood defence information is required to allow determination 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. 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 £33957.32

### **Conclusion**

The application site is located outside of the defined, fixed, settlement boundary of Pontyclun within an unsustainable location. Consequently, the proposed development fails to comply with key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the

Rhondda Cynon Taff LDP. The development would also have a detrimental impact upon highway safety within the vicinity of the site, contrary to Policy AW5 of the LDP.

**RECOMMENDATION: Refuse**

- 1 The proposal represents unjustified residential development outside of settlement limits. As such it fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf Local Development Plan and those set out in Planning Policy Wales Edition 11, and is therefore unacceptable in principle.
- 2 The proposal would result in an unacceptable detrimental impact upon highway safety in the locality, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan, for the following reasons:
  - i The proposed additional use of the sub-standard lane as a principal means of access to serve the proposed development will create increased traffic hazards to the detriment of highway and pedestrian safety.
  - ii The proposed access lane lacks adequate geometry, width of carriageway, segregated footway turning area and forward visibility and therefore further intensification of use would be to the detriment of safety of all highway users and the free flow of traffic.
  - iii The proposed access lacks an adequate turning area to cater for vehicular turning movements to and from the site and would therefore create hazards to the detriment of highway and pedestrian safety.
  - iv The proposed development will generate vehicular reversing/turning movements to and from the highway, creating traffic hazards to the detriment of highway safety and the free flow of traffic.
  - v The proposed development would generate additional on-street parking demand to the detriment of the safety of all highway users and the free flow of traffic.