

PLANNING & DEVELOPMENT COMMITTEE

18 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1073/13 (JE)
APPLICANT: Mr J Searle
DEVELOPMENT: Single dwelling. (Amended Redline Boundary and Plans received 26/01/22)
LOCATION: LAND ADJACENT TO 23 GLAN-YR-AFON,
TREORCHY
DATE REGISTERED: 26/01/2022
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: APPROVE

REASONS:

The principle of residential development at the site is acceptable. Furthermore, the proposed development is considered acceptable in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the application site.

REASON APPLICATION REPORTED TO COMMITTEE:

- 3 or more letters of objection have been received.

APPLICATION DETAILS

Outline planning permission is sought for a single detached dwelling at land adjacent to 23 Glan-Yr-Afon, Treorchy.

The application is made in outline with all matters reserved for future consideration. The application is accompanied by an indicative layout plan which indicates that development could take place towards the centre of the site. The layout plan also indicates that vehicular access would be provided via a highway at Glan-Yr-Afon.

As scale is a matter reserved for future consideration, a minimum-maximum range is provided for the depth, width and height of the dwellings, these have been derived from the supporting plans and information, as follows.

	Minimum	Maximum
Width	6m	7m
Depth	8.5m	8.5m
Height	6.7m	7.7m

This application is supported by:

- Coal Mining Risk Assessment

Members are advised that following initial highway concerns in relation to parking and access, a revised redline boundary and amended plans were submitted on the 26/01/22. These plans increased the area of the of the site to include turning and parking facilities.

SITE APPRAISAL

The application site is an irregular parcel of land located within a residential area of Treorchy. The site extends to approximately 201m² and is located towards the southern end of Glan-Yr-Afon. The site is accessed from Glan-Yr-Afon and is elevated from the level of the highway with a dwarf wall and embankment along its boundary with the highway, with the area towards the centre more level in nature. The site is largely covered in low level vegetation and grass with more mature vegetation located along the riverbank to the south and west. The site is bounded by 23 Glan-Yr-Afon to the north, the Rhondda Fawr River to the south and west and the highway at Glan-Yr-Afon to the east beyond which is the rear gardens of properties at Glynrhondda Street.

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.

5 letters of objection and a petition of 53 individual signatures have been received from the occupiers of neighbouring properties. The points raised have been summarised below:

- Scale of site would mean that development would undermine riverbank and neighbouring foundations
- Sewer in close proximity to site
- Loss of privacy

- Loss of light
- Loss of access to rear of properties
- No parking proposed. Area already has parking problems
- Loss of mature trees
- Site not large enough to safely construct a dwelling
- Overlooking of properties at Glynrhondda Street
- Sinkhole in proximity to site will be affected by machinery and construction
- Devaluation of property value
- Access for emergency vehicles would be restricted
- Ground stability issues
- Compromise access to garage and undermine the existing lane and riverbank
- Impact on wildlife

CONSULTATION

Transportation Section: No objection raised subject to condition.

Structural Engineer: No objection raised subject to condition.

Dwr Cymru/ Welsh Water: Standard consultation response received noting the potential proximity of DCWW assets to the site, and requesting an informative note to the applicant is appended to any consent.

Flood Risk Management (Drainage): No objection.

The Coal Authority: No objection.

Natural Resources Wales: Sets out that whilst area surrounding the site is located within C2 floodzone, the site is outside of this area. As such, no objection is raised to the proposal. In addition, given the proximity of the development to the River Rhondda the response also sets out that informative notes should be included on any consent to inform the applicant that separate permits would be required undertake the works.

Countryside (Ecology): No objection raised subject to conditions.

Public Health and Protection: No objection although conditions recommended in relation to hours of construction, noise, dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, 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 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 LDP 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.

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

Policy CS1 – sets out the criteria for new development in the Northern 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 unacceptably conflict with surrounding uses.

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

Policy NSA12 – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking
- Delivering design and Placemaking: 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 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 application seeks outline planning permission for residential use at the application site. The proposal seeks consent for the principle of development only with all other matters relating to appearance, layout, scale, landscaping and access reserved for future consideration.

The application site is unallocated and is located within the defined settlement boundary and a residential area of Treorchy. The site is also located within close proximity to a number of local facilities, public transport links and the town centre. As such, it is considered to be within a sustainable location.

It is therefore considered the application complies with Policies CS1, AW1, AW2 and NSA12, all of which support the provision of new housing on unallocated sites within the Northern Strategy Area.

Impact on the character and appearance of the area

The site forms an area of land at the end of Glan-Yr-Afon and as such forms a gap in the street scene. Furthermore, having regard to the size of the site and the indicative site layout plan submitted, it is considered that the site is capable of accommodating a carefully designed dwelling that would not result in a detrimental impact upon the character and appearance of the surrounding area. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at reserved matters stage

In addition, as the appearance, landscaping, layout and scale of the scheme are reserved for future consideration, this would allow the Council to reject any future scheme that would have an adverse impact and would ensure the development complies with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

As the site is located within settlement limits, in a predominantly residential area, it is important to consider the potential impacts of the development upon the levels of amenity and privacy that existing neighbouring occupiers currently enjoy.

The illustrative layout plan indicates that the site is physically large enough to comfortably accommodate a dwelling within the prescribed scale ranges proposed without having a significant impact on the existing residential properties to the north and east at Glan-yr-Afon and Glynrhondda Street.

With regard to loss of privacy, this was raised as a concern by the objectors who state that the rear gardens of Glynrhondda Street would be overlooked. Whilst this is noted due to the terraced nature of the area, these areas are already heavily overlooked, and it is not considered that the dwelling would result in any new opportunities. In addition, as the application is made in outline with all matters reserved, the Council would be able to reject any future scheme which adversely impacts upon the privacy standards currently enjoyed by neighbouring occupiers.

As such, taking the above into account, the application is considered acceptable in this regard.

Highway Safety and Parking Provision

A number of concerns were raised by the objectors with regards to parking demand created by the proposed development and inadequate access in the vicinity of the site. However, following the receipt of the amended redline boundary and plans the Council's Transportation Section raised no objection to the application with the following response received:

The access leading to the site is one-way for part of its length and two-way fronting the site with no turning facilities. The highway leading to the site is oversubscribed with high on-street car parking demand narrowing the width to single file traffic. To the south of the site the access is an unsurfaced lane which provides secondary access to a number of garages for off-street car parking.

It is noted that the application is outline with all matters reserved. However, due to the nature of the access leading to the proposed access has been considered as part of this application. The applicant has submitted an amended plan indicating turning facilities for service and delivery vehicles to access / egress Glan Yr Afon in forward gear with two off-street car parking spaces provided.

Pedestrian access is gained via the existing footway fronting the dwellings with a number of stepped access points and a ramped access at the northern point of the terrace for access by less able bodied pedestrians.

The proposed 4 bed dwelling requires up-to a maximum of 3 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011. The indicative plan shows 2 spaces. However, a condition requiring compliance with the SPG Access, Circulation & Parking has been suggested.

Taking into account the limited trip generation by a single dwelling and the mitigation measures proposed by provision of a turning facility and provision of off-street car parking for the dwelling within the plot, the proposed is considered acceptable.

Ecology

Following a review of the plans submitted and the application site, the Council's Ecologist provided the following response to the application. The site appears to form an overgrown lawn area and as such no ecological assessment is required to support the application. Instead, the key issue with the development would be the proximity to the Rhondda Fawr River. Whilst it was noted that development in close proximity to watercourses are required to gain permits from Natural Resources Wales, the ecologist set out that a condition should be attached to any consent requiring the submission of a Construction Environmental Management Plan.

In addition to the above as required by Planning Policy Wales the ecologist set out that details of bat/bird bricks should also be conditioned to ensure biodiversity enhancement.

Historic Coal Mining Activity

The application site falls within the defined Development High Risk Area where coal mining features and hazards may be present and should be considered as part of the development proposals, a concern that was also raised by the objectors. As such, the applicant has supplied a Coal Mining Risk Assessment in support of the application.

The Coal Authority commented that the content and conclusions of the assessment demonstrate that the site is safe and stable for the proposed development. As such, The Coal Authority raised no objection to the application.

Structural Engineer

Due to the presence of an existing retaining wall along the boundary with the highway consultation was undertaken with the Council's Structural Engineer. In their response the engineer commented that the wall supporting the land is considered as a private structure. However, due to the proximity to the highway a condition has been recommended for the applicant to provide details of the wall and structural calculations to justify its design.

Drainage

Consultation has been undertaken with the Council's Flood Risk Management Team with a view to assessing any potential impacts upon land drainage. No objection has been received in relation to this application however an informative note in relation the requirement for SuDS was recommended.

Public Health

The Public Health and Protection Division suggested a number of conditions be attached to any consent in relation to construction noise, waste, and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Other issues raised by the objectors

The objector's comments that the site is crossed by a sewer have been confirmed through consultation with Dwr Cymru who have raised no objection to the scheme but requested an informative note be appended to any consent to ensure the developer takes this into consideration when developing a detailed scheme.

Also raised within the objections were concerns in regards potential damage to foundations and the undermining of surrounding development. Whilst these comments are acknowledged, matters with regard to the construction would be covered separately by any subsequent Building Regulations application. Furthermore, any damaged created by the development to neighbouring properties would be a civil matter between the property owners.

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.

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage but will be calculated for any reserved matters or full applications.

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 in principle is acceptable and it is considered that the site is capable of accommodating a carefully designed dwelling that would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.
- (d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or

in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans

- Highway Layout -
- Drawing Ref :- 07967JS

and documents received by the Local Planning Authority on 26/01/2022, 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. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the proposed improvements to Glan Yr Afon along with turning facility as indicated on submitted plan 07967 JS together with sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation with the turning facility retained for use of the general public thereafter.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. 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 AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. HGV's used during construction shall be restricted to 09:00am to 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with 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.

8. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the commencement of development, details for the provision of bat/bird bricks/ boxes (incorporated within the scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development, including site clearance shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General site management details; details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage and any watercourse drain.
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practices will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure that the development does not adversely impact the River Rhondda during the construction phase in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

13. No works shall commence on site, until details and design calculations, of the retaining walls have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of safety, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development plan.