

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: 22/0769/10 (LJH)
APPLICANT: Mr and Mrs Phelps
DEVELOPMENT: Detached dwelling, land formation, access widening and car parking (Re-submission of 21/1662/10).
LOCATION: LAND TO THE WEST OF HEOL LLECHAU ALLOTMENT, HEOL LLECHAU, WATTSTOWN, PORTH
DATE REGISTERED: 22/06/2022
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING REASONS:

The size of the proposed plot does not accord with the size of the dwelling proposed and whilst the site lies adjacent to the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP), the plot has clearly been extended to the settlement boundary in an attempt to overcome a principal objection; and the location of the proposed dwelling and its curtilage is actually detached from the settlement boundary, 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 development is also considered to be discordant and incongruous having a detrimental impact upon the character and appearance of this rural area due to its prominent position. The proposal therefore is contrary to Policies AW1, AW2, and AW6 of the Rhondda Cynon Taf Local Development Plan.

REASON REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for determination at the request of Councillor Robert Bevan 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 to the west of Heol Llechau Allotment, Heol Llechau, Wattstown, Porth.

The two-storey detached dwelling and associated detached garage are proposed to be sited within the northern part of the plot. The dwelling is proposed to have an 'L' shaped footprint and would measure 13.3 metres in width by a maximum of 12.65 metres in depth, and would have a hipped roof measuring a total height of 8.5 metres, sloping to 5.1 metres at the eaves. The main living areas would be laid out at ground floor level with three bedrooms, one with en-suite, and a shower room at first floor level.

The detached garage is proposed to measure 5.6 metres in width by 6.75 metres in depth and would also have a hipped roof measuring a total height of 5.1 metres, falling to 2.4 metres at the eaves. The dwelling and garage are proposed to be finished in render, stonework, artificial slate roof tiles, and uPVC.

Access to the site is proposed from Heol Llechau via the lane serving Cartref Melys to the east, which is under the ownership of the Council.

The application also seeks retrospective consent for engineering works already undertaken to the site. The works consist of land formation works and the importation of soil onto the site that has resulted in the levelling of the land over some of the plot area.

It must be noted that this application constitutes a re-submission of application ref. 21/1662/10 for the same proposal which was refused under delegated powers in March 2022. The previous application was refused for the same reason this application is recommended for refusal in addition to a highways refusal reason, where it was deemed that the private shared access was sub-standard in terms of width and turning facilities and that the development would increase reversing movements to and from Heol Llechau to the detriment of highway safety.

The re-submission differs slightly in that the red line boundary now includes all of the land where formation works have taken place, the orientation of the proposed dwelling has altered slightly (it now faces north where as it was previously proposed to face north-west), the design of the dwelling has also altered with the single storey rear section being on the lefthand side of the rear elevation rather than on the righthand side, the dwelling is also designed to be smaller in depth by 1.3 metres and in height by 0.7 metres. In addition, a Transport Technical Note prepared by Lime Transport accompanies the application to address the previous reason for refusal and overcome the previous highways objection.

SITE APPRAISAL

The site is irregularly shaped and extends to 0.43 hectares. It bounds open countryside on the north and west, the settlement boundary to the west of Pleasant View and the trackway to the east. The site is gated and enclosed by rural style fencing. The front elevation of the proposed property addresses a north-westerly direction. To the east the dwelling would be largely screened from the adopted highway by the existing dwelling known as 'Cartref Melys', which is a detached

property of modern design and construction. To the south-west lies Pleasant View which is set at a lower level. The land profile of the site has recently changed, in effect, the steepness of the site has been removed with the importation of soil creating a plateau for future development. Land to the north remains with its original profile along with the land to the south which is steeper.

PLANNING HISTORY

21/1662/10: LAND TO THE WEST OF HEOL LLECHAU ALLOTMENT, HEOL LLECHAU, WATTSTOWN, PORTH

Erection of detached dwelling including land formation, access widening, and car parking (Red line boundary amended 04/02/2022).

Decision: 23/03/2022, Refused.

20/5062/41: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN.

Pre-application enquiry for a proposed 3/4 bedroom dwelling.

Decision: 21/07/2020, Objection raised.

PUBLICITY

The application has been advertised by means of site notices and direct neighbour notification. No representations have been received.

CONSULTATION

Highways and Transportation – No objection raised subject to conditions relating to access/parking/turning facilities, surface water run-off, and a Construction Method Statement.

Flood Risk Management – 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. However, the application proposes to culvert a drainage ditch which has been identified as an ordinary watercourse and objection would be raised to this proposal because of the adverse flood risk impacts that are likely to arise.

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

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 general advice is also 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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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 site is located in the Northern Strategy Area, outside of but adjacent to the defined settlement boundary.

Policy CS1 – 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 AW1 – 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 AW2 – 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 AW5 – The policy sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – 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 NSA12 – 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 24th 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), WG's 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 further 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 seeks consent for the erection of a new detached dwelling at the site, which is located outside of but directly adjacent to the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP).

Policy NSA12 of the LDP states that amongst other criteria, proposals for residential development outside of but adjoining the defined settlement boundary in the Northern Strategy Area will be permitted where it can be demonstrated that the site is bound on at least one side by the defined settlement boundary and the scale, form and design of the proposed development does not adversely affect the amenity or character of the site, surrounding, or wider area.

While it is accepted that one side of the red line boundary of this application site directly bounds the settlement boundary of Wattstown, the application site is not commensurate the size of the curtilage of a residential dwelling and has clearly been extended towards the settlement boundary in an attempt to satisfy the criteria of Policy NSA12 and to overcome a principal reason for refusal, i.e., a new dwelling in the countryside with no justification for agricultural purposes.

As such, the area of land that would actually be the residential curtilage of the proposed dwelling and should form the red line boundary of this application is clearly outside of and detached from the settlement boundary in this location, in an unsustainable location.

In addition, whilst only a single dwelling, it would constitute an incremental erosion of the countryside in this location, having a detrimental impact upon the character of the site and surrounding area.

Consequently, taking into account the above, the proposal would constitute unjustified development within an unsustainable location in the countryside. The principle of development is therefore contrary to the sustainable development aims of Planning Policy Wales and Policies CS1, AW1, AW2 and NSA12 of the LDP.

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 the mature tree line that follows the northern boundary of

the allotments site. It would also not form a highly visible addition when viewed from Pleasant View due to the topography of the area. With this being said, the dwelling would be a highly prominent addition to the wider area when viewed from the main thoroughfare (A4233) and across the Valley. As such the dwelling would appear to be isolated from the settlement of Wattstown and would form a discordant and incongruous feature which would have a detrimental impact upon the character and appearance of the area.

It is noted that the dwelling has been reduced slightly in depth and height from the original submission and is now proposed to be orientated to face north, however, it is not considered that the amendments to the design go far enough to overcome the detrimental impact it would have upon the character and appearance of the area. The proposal therefore does not accord with Policy AW6 of the Rhondda Cynon Taf Local Development Plan and is considered not to be acceptable in this regard.

It is further considered that the earthworks already undertaken at the site are unacceptable in terms of the impact on the character and appearance of the site and wider area as they have altered the natural landscape by creating a step within the profile of the land. A feature that now scars the landscape in this area and is at complete odds with its surroundings.

Impact on highway safety

In order to aid in the assessment of the potential highway safety impacts of the development, consultation has been undertaken with the Council's Transportation Section.

In terms of access their observations comment that the proposed dwelling is situated at the western end of a cul-de-sac (Heol Llechau) and served off an access track. The network of streets leading to the proposed are sub-standard in terms of junction radii, visibility at the junctions, and are oversubscribed with on-street car parking.

The proposed is served off a shared access (track) currently serving one dwelling with the proposed dwelling and another possible dwelling (application ref. 21/1690) taking the number to three dwellings, dependent on planning permissions being granted. The shared access as proposed is lacking in width for safe two-way vehicular movement for part of its length however, taking into account the private shared access is 5.5m to the point of access for the proposed single dwelling, the limited additional traffic generated by the proposed (6 trips) with good sight lines reducing the potential for reversing vehicles, with provision of a turning facility to cater for emergency service vehicles, on-balance, the proposed is acceptable.

The following additional information has been submitted by the applicant to overcome the previous highway concerns.

As part of the development, it is proposed to:

- Upgrade the surface of the driveway (from the edge of the adopted highway to the access to the property);
- Provide localised widening along the driveway, to improve forward visibility along the driveway; and,
- Provide a turning area for larger vehicles, in front of the proposed dwelling, such that vehicles can traverse along the driveway in a forward gear.

Due to the scale of the proposals, it is likely that the volume of vehicle trips generated by the development will be low, and it is, therefore, anticipated that the driveway will operate as a single-track road, with passing places at either end.

It should also be noted that a planning application (21/1690/10) has been submitted recently for the construction of a new dwelling at the eastern end of the lane (adjacent to the existing dwelling – Cartref Melys). As part of the new dwelling, it is proposed to extend the 5.5m shared private access to serve the additional dwelling, which will:

- Reduce the length of the private driveway serving the proposed dwelling; and,
- Improve forward visibility, particularly for eastbound vehicles.

It is therefore considered that the width of the private driveway (leading to the proposed dwelling) is more than sufficient to accommodate the range of vehicles likely to access the dwelling. It is also considered that the likelihood of two vehicles (travelling in opposite directions) meeting on the single-track section of the lane will be negligible, particularly when considering the forward visibility available at either end of the lane and therefore, the likelihood of a vehicle reversing onto the public highway, to the detriment of safety of other highway users, will be negligible.

In terms of parking the observations comment that the proposed will have a parking requirement of up to a maximum of 3 off-street parking spaces in accordance with the Council's SPG: Access, Circulation & Parking Requirements 2011. The proposed provides in excess of 3 off-street spaces with access/egress in forward gear which is considered acceptable.

Therefore, taking the above into consideration, the proposal is, on-balance, considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and would comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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.

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, waste, and lighting matters from construction activities can be more efficiently controlled by other legislation.

Drainage

The Council's Flood Risk Management Section have commented that the applicant will be required to submit a SuDS application and comply with Part H of the Building Regulations which would ensure appropriate drainage is implemented at the site.

However, it was also noted that the application proposes to culvert a drainage ditch which has been identified as an ordinary watercourse. Objection is raised to the culverting of the existing drainage ditch because of the adverse flood risk impacts that are likely to arise. Culverting should only be considered in short lengths for access purposes or where highways cross watercourses. In such cases the length involved should be restricted to a minimum, the hydraulic and environmental design fully assessed and appropriate mitigating enhancements to the surrounding environment included in the proposal. The proposal is thereby unlikely to be accepted in its current format and an alternate scheme would be required.

No objection has been raised by Dŵr Cymru/Welsh Water subject to conditions and advisory notes.

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 request that the applicant 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 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

It is acknowledged that the application site is located within the Northern Strategy Area and outside of but adjacent to the defined, fixed, settlement boundary whereby the principle of development could be acceptable. However, the plot has clearly been extended to the settlement boundary in an attempt to comply with the criteria set out in Policy NSA12 and the position of the dwelling and its curtilage within the larger than average plot is actually disconnected from the settlement boundary and the settlement of Wattstown, 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 Taf Local Development Plan.

Further, the proposal would have an unacceptable impact upon the character and appearance of the area contrary to Policy AW6 of the Rhondda Cynon Taf Local Development Plan; and there is concern with the proposal to culvert an ordinary watercourse which could cause detriment to flood risk in the vicinity of the site.

RECOMMENDATION: REFUSE

1. The size of the proposed plot does not accord with the size of the dwelling proposed and whilst the site lies adjacent to the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP), the plot has clearly been extended to the settlement boundary in an attempt to comply with the criteria set out in Policy NSA12. Therefore, the location of the proposed dwelling and its curtilage is actually detached from the settlement boundary, 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 development is also considered to be discordant and incongruous having a detrimental impact upon the character and appearance of the area due to its prominent position. The proposal therefore is contrary to Policies AW1, AW2, and AW6 of the Rhondda Cynon Taf Local Development Plan.