

## **PLANNING & DEVELOPMENT COMMITTEE**

**8 SEPTEMBER 2022**

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

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

Members are asked to determine the planning application outlined below:

**22/0462/13 (JE)**

**APPLICATION NO:**

**APPLICANT:** Larksmere Services Ltd

**DEVELOPMENT:** Detached dwelling, garage and parking (Revised redline boundary received 17/06/22)

**LOCATION:** LAND ADJ TO 11 CAE SIRIOL, YNYS-HIR, PORTH

**DATE REGISTERED:** 17/06/2022

**ELECTORAL DIVISION:** Ynyshir

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#### **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.

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#### **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 11 Cae Sirirol, Ynyshir, Porth.

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 a dwelling could be sited towards the centre of the site with a detached garage alongside. The indicative layout plan also indicates that vehicular access would be provided via the highway at Cae Sirirol, the northern most extent of which is unadopted.

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

|                | Minimum | Maximum |
|----------------|---------|---------|
| Width          | 9m      | 10m     |
| Depth          | 7m      | 10m     |
| Height (Eaves) | 4.9m    | 5.2m    |
| Height (Ridge) | 7.5m    | 9m      |

Members are advised that a revised redline boundary was submitted on the 17/06/22 to include access along Cae Siriol as the original redline did not extend out to the adopted highway, which only extends to No. 5, approximately halfway up the street.

## **SITE APPRAISAL**

The application site is an irregular parcel of land located within the settlement boundary for Ynyshir. The site extends to approximately 600m<sup>2</sup> and is located towards the northern end of Cae Siriol, a residential cul-de-sac that occupies a valley side position at the western boundary of the settlement. The site is accessed from Cae Siriol which is unadopted from approximately No.5 onwards, with the site located adjacent to an existing turning head. At the time of the Officer's site visit it was evident that the site had been recently cleared with any vegetation and trees removed. The nature of the area slopes from west to east with the level of the site increasing towards the rear. The site is bounded by No.11 Cae Siriol to the south, open mountainside to the west, woodland and a development plot to the north, and a residential property known as Willow House to the east.

The area surrounding the site is generally residential in nature and is characterised by various property types and of differing designs.

## **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.

A petition of 15 individual signatures has been received from occupiers of neighbouring properties. The points raised have been summarised below:

- Recent developments by the applicant have resulted in flooding due to failure to comply with relevant regulations. Concerns that the same could occur here.
- Concerns with previous works by the applicant in relation to infilling which could occur here.
- Applicant has shown complete contempt through cutting down a large number of trees at the established woodland adjacent to proposed development site.

- Existing dwellings that have been constructed to the north of the site have not required access from Cae Siriol.
- Proposal will lead to further development utilising Cae Siriol which is partially an unadopted private road.
- The highway is not suitable for repeated heavy traffic and will become the site access leading to safety concerns for children and residents.
- The proposal would disrupt, frustrate and contaminate an otherwise quiet neighbourhood.
- Residents of No.11 have maintained and looked after the turning point for over 40 years. Concerns that this will not serve the street in the future as it has in the past if access is needed for the proposed dwelling. In addition, an application for adverse possession of the turning point at No.11 is in hand with a legal process underway.
- An established water culvert that crosses the site may be compromised if alterations made at current location.
- Disruption of private parking due to work vehicles.
- Highway not wide enough for large vehicles.
- Who will foot repair bill should the private road get damaged?
- Who will clean the street every day after the construction traffic and how will this be policed?

## **CONSULTATION**

**Transportation Section:** No objection raised subject to condition.

**Dwr Cymru Welsh Water:** Standard consultation response received requesting a condition in relation to surface water drainage and an informative note regarding SuDS are appended to any consent.

**Flood Risk Management (Drainage):** No objection although condition suggested in relation to surface water drainage.

**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.

**Western Power Distribution:** Standard consultation response received requesting an informative note to make the applicant aware that if they require a new connection or 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 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 LDP 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 within the settlement boundary for Porth and is not allocated for any 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: 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 all 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 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 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 Ynyshir. The site is also located within close proximity to a number of local facilities and public transport links. As such, it is

considered to be within a sustainable location where residential can generally be supported.

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 Cae Siriol and as such forms a natural rounding-off of the street. 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, the appearance, landscaping, layout and scale of the scheme are reserved for future consideration and would be within the control of the Local Planning Authority. This would therefore allow the Council to reject schemes that would have an adverse impact in these respects.

It is therefore considered the site is capable of being developed for a single dwelling in a manner which is well related to the character of the area in line 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 and 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.

Members are advised that 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 south along Cae Siriol. Any potential impact here would be to the closest dwelling only, No.11, but it is considered the relationship between any new dwelling at the site and No. 11 would be similar to that which already occurs between the existing neighbouring properties along the street.

Further, the indicative plan submitted indicates that any new dwelling at the site would be separated from the rear elevation of neighbouring property to the east, Willow House, by approximately 24 metres. It is considered this is sufficient distance to ensure the amenities of this property are not unduly affected.

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.

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 the access along Cae Siriol and parking created by the proposed development. However, following consultation the Council's Transportation Section raised no objection to the application with the following response received:

The application site is accessed off Cae Siriol which is a cul-de-sac with turning facility at the northern end, footway provision on the development side to the boundary of the adjacent dwelling, street lighting and is adopted for part of its length only. The proposed dwelling is to be accessed off the non-adopted section at the turning facility. The proposed access is generally considered acceptable but there is a missing section of footway to access the dwelling around the turning head and therefore a condition has been suggested to set the site boundary back to provide a safe secure pedestrian footway / vehicular crossover here.

Off-street car parking shall be provided in accordance with the councils SPG Access, Circulation & Parking 2011. The indicative plan shows three off-street car parking spaces which would be in accordance with the maximum standards. Taking into account the location of the proposed served off the turning head, maximum standards would be required to protect the turning facility.

Taking the above into account, the application is considered acceptable in this regard subject to the conditions set out below.

### **Ecology**

Following a review of the submitted details the Council's Ecologist commented that the site appears to have been cleared prior to submission of the application and consequently there is no ecology on site and there are no ecological issues / requirement for any ecological assessment. However, to ensure that the development results in an enhancement to biodiversity, a condition should be attached to any consent to require the use of bird bricks in the dwelling.

### **Drainage**

The objectors have raised concern in relation to drainage issues associated with the proposed development. Whilst these concerns are noted no objection has been raised by the Council's Flood Risk Management Team or Dwr Cymru Welsh Water who both note that any future drainage scheme would be controlled by the necessary, separate

SuDS consent. It is noted that both consultees have requested conditions in relation to surface water drainage, but as this matter is controlled under separate SuDS legislation it is not considered these conditions are necessary and an informative note has been included below in their place.

## **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 objectors have raised concerns in relation to previous works undertaken by the developer which were not in accordance with the relevant legislation and resulted in problems for neighbouring properties. Whilst these points are acknowledged and any issues that have occurred at other sites are regrettable, this is not a planning matter that can be taken into account during the consideration of this application.

With regard to the use of the unadopted access/private lane, the use of this highway would be subject to agreement between the relevant parties. As such, this matter also does not form a material planning consideration.

## **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 future reserved matters or full application.

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
  - Hdw/ph/Lm.01b

and documents received by the Local Planning Authority on 14/04/2022 and 17/06/2022, 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. 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 and retained thereafter.

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.

4. No development shall take place until there has been submitted to and approved in writing 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.

5. 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.

6. 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 of nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the site boundary set back 2m to provide for continuous footway / vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

8. 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.

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 AW5 of the Rhondda Cynon Taf Local Development Plan.

10. 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.