

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

**PLANNING AND
DEVELOPMENT COMMITTEE
8th SEPTEMBER 2022**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

APPLICATION NO: 21/1690/10 – Proposed construction of new dwelling with attached garage (Re-submission of 21/1208/10) (Amended red line boundary received 10/03/2022) at Land adjacent to Cartref Melys, Heol Llechau, Wattstown, Porth, CF39 0PP

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 07 July 2022 Planning and Development Committee meeting with a recommendation of refusal (a copy of the original report is attached as Appendix A). At that meeting Members were minded to defer determination of the application for site visit which took place on 19 July 2022 (a copy of the site visit report is attached as Appendix B). The application was then reported back to the next available meeting of the Planning and Development Committee on 18 August 2022 where Members were minded to approve the application contrary to the recommendation. Members considered the application site was no more unsustainable than the adjacent residential properties which are sited within settlement limits, and that the proposed dwelling would result in an appropriate 'rounding off' of the settlement in this location, having no detrimental impact to the open countryside beyond.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to the recommendation.

4. PLANNING ASSESSMENT

The concerns regarding the impact of allowing a dwelling outside of the settlement boundary are outlined in the original report, however, a brief summary is provided below:

The application site is outside of settlement limits identified in the Rhondda Cynon Taf Local Development Plan (LDP). Policy AW1 and AW2 of the LDP generally have a strong presumption against residential development outside of defined settlement boundaries. It is considered that whilst only a single dwelling, the development would constitute an incremental erosion of the character of the area, which in time would result in its overall detriment. Furthermore, a recent application (21/1208/10) to which this application constitutes a resubmission was refused on the basis that the site lies outside of and detached from the settlement boundary, being in an unsustainable location, and there is no change in circumstance at the site since the previous refusal or between that application and this current application; and no further justification has been submitted.

Taking the above into account, the principle of the development is considered to be contrary to Planning Policy Wales and the relevant Local Development Plan policies.

If, having considered the above advice and after further consideration, Members remain of a mind to grant planning permission, it is suggested that the following conditions of consent would be appropriate:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

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

- Proposed Floor, Elevation and Site Plans – ref. 07787MJ
- Proposed Layout
- Topographic Survey – ref. M_Jones_27072021

and documents received by the Local Planning Authority on 22/12/21, 03/02/22, 10/02/22 and 10/03/22 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 on site until details of a scheme of ecological mitigation and enhancement has been submitted to and

approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation and shall remain in place thereafter.

Reason: In the interests of protecting the natural environment, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence on site until the applicant evidences how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 in respect of surface water drainage. The approved details shall be implemented on site prior to beneficial occupation and shall remain in place thereafter.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taff Local Development Plan.

5. Notwithstanding the details shown on the approved plans, no development shall commence on site until design and details of the private access road surfaced in permanent material and drained 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 and remain in place thereafter.

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

6. No development shall commencement on site until details of traffic management and wheel washing facilities have been provided on site in accordance with details to first be 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 Rhonda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected 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 Policies AW5 and AW10 of the Rhonda Cynon Taf Local Development Plan.

8. The garage hereby approved shall be used only as a garage for domestic purposes ancillary and incidental to the use of the main dwelling and at no time shall it be used for commercial purposes.

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

9. HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am 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 Rhonda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

7 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1690/10 (LJH)
APPLICANT: Jones
DEVELOPMENT: Proposed construction of new dwelling with attached garage (Re-submission of 21/1208/10) (Amended red line boundary received 10/03/2022).
LOCATION: LAND ADJACENT TO CARTREF MELYS, HEOL LLECHAU, WATTSTOWN, PORTH, CF39 0PP
DATE REGISTERED: 10/03/2022
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: REFUSE

REASONS: The site lies outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) 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 proposal therefore is contrary to Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for final determination at the request of Councillors Robert Bevan and Julie Edwards 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 adjacent to Cartref Melys, Heol Llechau, Aberllechau, Porth. The two-storey detached dwelling is proposed to be sited centrally within the plot and is proposed to measure 10 metres in depth by 20 metres in width, including the attached garage. The dwelling would have a hipped roof measuring a total

height of 8.5 metres, sloping to 5 metres at the eaves. The main living areas would be laid out at ground floor level with five bedrooms and three bathrooms, including one en-suite, at first floor level.

The dwelling is proposed to be finished in render, stonework, artificial slate roof tiles, and uPVC. Access to the site is proposed from Heol Llechau and the private driveway serving Cartref Melys to the east of the site.

SITE APPRAISAL

The application site is a rectangular shaped parcel of land measuring approximately 1600m², located at the end of Heol Llechau, Aberllechau, Porth. Vehicular access to the site is gained via Heol Llechau. The front elevation of the property addresses a southerly direction. To the east the dwelling would be largely screened from the highway by the existing dwelling known as 'Cartref Melys', which is a detached property of modern design and construction. To the south of the dwelling lies allotment land, with dwellings along Pleasant View beyond.

PLANNING HISTORY

21/1208/10: CARTREF MELYS, HEOL LLECHAU, ABERLLECHAU, PORTH, CF39 0PP.

Proposed construction of new dwelling with attached garage.

Decision: 17/12/2021, Refused.

17/0651/10: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN, PORTH.

New detached dwelling and detached garage (Amended plans received 03/08/17).

Decision: 06/09/2017, Granted.

13/0269/10: LAND TO THE WEST OF HEOL LLECHAU, WATTSTOWN.

One detached dwelling (Revised plans received 11/07/13)

Decision: 27/09/2013, Granted.

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

Highways and Transportation – No objection subject to conditions relating to surfacing of the private access road, surface water run-off, the use of the garage, HGV deliveries, traffic management, and wheel washing.

Flood Risk Management – No objection subject to a condition relating to details outlining how surface water will be managed at the site. Advice is also

offered in respect of both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010 (SuDS).

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

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 advice is 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

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.

Rhondda Cynon Taf Local Development Plan

The site is located in the Northern Strategy Area, outside and detached from 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), WGs 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 below.

It is also considered the proposed development is not compliant with the NDF, with the following policies being relevant to the development proposed:

- (i) Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- (ii) 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 relates to the erection of a new, detached dwelling outside the settlement boundaries identified in the Rhondda Cynon Taf Local Development Plan (LDP). Policy AW1 and AW2 of the LDP have a strong presumption against development of this kind outside defined settlement boundaries except in instances where the development could be considered to be necessary in the interests of agriculture, forestry, or rural enterprise.

The proposed site is considered an unsustainable location for new residential development as it is not within any defined settlement boundary, it has no accessibility other than by car, it would not benefit from any sustainable transport options, it has no access to key services and facilities and it would not form part of a larger defined settlement.

The following is a list of some types of development that would be permissible within the countryside:

- justified rural enterprise needs;
- limited extension, alteration or replacement of existing dwellings; or
- small scale diversification within farm complexes where this is run as part of the farm business.

The proposal constitutes none of the above.

Planning Policy Wales only permits new residential dwellings within the countryside where it has been clearly demonstrated that there is no previously developed land or underutilised sites that could, instead, accommodate the proposal. The site would not be located within or adjoining any defined settlement and whilst only a single dwelling, would constitute an incremental erosion of the character of the area, which in time would result in its overall

detriment. There are other means by which a proposal could mitigate its harm upon a rural area; however, no relevant justification for the proposal has been received.

It is acknowledged that planning permission was approved for a similar dwelling at the adjacent plot in 2013 (13/0269/10), which is also situated outside of settlement limits. However, that application was also recommended for refusal by officers for the same reasons set out above, but the decision overturned by Members at Committee who considered the house would not represent unjustified development in the countryside.

The subsequent approval for a dwelling at the adjacent plot in 2017 also details that the site is outside of the settlement boundary, but that application simply proposed the approved dwelling be re-located within the site, not a further dwelling, and the previous 2013 consent was still live at the time.

Finally, the recent application (21/1208/10) to which this application constitutes a re-submission was refused on the basis that the site lies outside of and detached from the settlement boundary, being in an unsustainable location. There is no change in circumstance at the site since the previous refusal or between that application and this current application; and no further justification has been submitted.

Taking into account the above, the principle of the development is considered to be contrary to Planning Policy Wales and the relevant Local Development Plan policies. The proposal would constitute an unjustified form of development within an unsustainable location.

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 it is therefore not considered that the dwelling itself would have a significant impact upon the character and appearance of the immediate area. It is accepted the dwelling would be visible from cross valley viewpoints, but it is not considered it would have any further impact than adjacent property.

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.

It is also noted that no letters of objection have been received from nearby properties.

Impact on highway safety

The Council's Transportation Section were consulted in order to provide comments on the suitability of the application in respect of highway safety. No objection has been raised subject to conditions relating to surfacing of the private access road, surface water run-off, the use of the garage, HGV deliveries, traffic management, and wheel washing.

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 and waste matters from construction activities can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

Drainage

The Council's Flood Risk Management Section do not object and state that the development's surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010. No objection has been raised by Dŵr Cymru/Welsh Water.

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.

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

The application site is located outside of the defined, fixed, settlement boundary 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 Taff Local Development Plan.

RECOMMENDATION: Refuse

1. The site lies outside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) 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 proposal therefore is contrary to Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX B