

## **PLANNING & DEVELOPMENT COMMITTEE**

**9 November 2023**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/0969/10 (JE)  
**APPLICANT:** Mr Tuchli  
**DEVELOPMENT:** Erection of 3 no. near zero carbon bespoke self-build dwellings within the curtilage of existing dwelling and associated works  
**LOCATION:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA  
**DATE REGISTERED:** 25/08/2023  
**ELECTORAL DIVISION:** Beddau and Tyn-y-nant

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#### **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

**REASONS:** The application site is located outside of the defined settlement boundary of Beddau. Consequently, the proposed development fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the LDP and is therefore unacceptable in principle.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Yeo for the matter to come to Committee so Members can consider the full scope of the proposal.

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of 3no. dwellings within the curtilage of St Davids House, Castellau Road, Beddau. The dwellings would be located to the south of the existing dwelling and would share the existing access and driveway which adjoins Castellau Road to the north.

The dwellings would be orientated north-south and would be set back from a new shared communal courtyard which would provide access as well as additional parking spaces for the dwellings.

The dwellings would each measure a similar scale, approximately 225m<sup>2</sup>, and share a comparable overall appearance having a stone and timber clad ground floor and a

contrasting fibre cement clad second storey which is smaller in scale than the ground floor. However, each dwelling has been individually designed to meet the needs of the occupiers, in this instance the children of the applicant. As such, whilst of a similar design each dwelling would vary slightly in scale and layout both internally and externally. All dwellings would benefit from an individual private area of amenity space to the side and rear.

The application is supported by:

- Ecological Assessment Report

The application is a resubmission following refusal of an earlier application for a similar development at the site in 2022 (22/1184/10). The previous application was refused because the application site is located outside of the defined settlement boundary of Beddau. Consequently, the proposed development failed to comply with the key sustainable development objectives of Rhondda Cynon Taf Local Development Plan. Members are advised that other than the approval of a lawful development certificate which sought the lawful use of the application site as part of the garden curtilage of St David's House. There have been no changes to the scheme that previously came before Committee.

## **SITE APPRAISAL**

The application site forms an area of land to the south of a large, detached dwelling known as St David's House. It is rectangular in shape and extends to approximately 0.8ha, comprising an element of the existing dwelling's amenity space. The site is bounded by the existing dwelling to the north, the school yard of Ysgol Gynradd Castellau to the east and open countryside and woodland to the south and west. The site is located on the western periphery of the settlement of Beddau and is subject to a gradual change in levels decreasing from east to west.

There are a variety of property types and scales located within the immediate vicinity with 2no. recently constructed affordable housing developments to the north of Castellau Road and a mix of detached and semi detached properties in the immediate vicinity.

Members are advised that the area to the south of the site which is edged in blue on the plans, whilst outside of the development area, has also been subject some clearance works.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the application site are:

**08/0580/10:** R/O ST. DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD. CF38 2RA

Change of use of land to residential curtilage and erection of a detached domestic garage.

Decision: 21/05/2008, Refuse

**09/0853/10:** ST. DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Detached garage and increase in residential curtilage. (Amended description 14/09/09).

Decision: 16/12/2009, Refuse

**10/0036/10:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Detached garage and extension to residential curtilage.

Decision: 23/03/2010, Grant

**13/0320/10:** REAR OF ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Extension to kitchen bay window over existing balcony and side balcony.

Decision: 12/06/2013, Grant

**14/1217/10:** HIGHADMIT PROJECTS LTD, ST DAVIDS HOUSE, BEDDAU, PONTYPRIDD, CF38 2RA

First floor extension to provide additional office space.

Decision: 25/11/2014, Refuse

**17/5111/41:** LAND AT BEDDAU, PONTYPRIDD

Pre-Application Advice (4 dwellings)

Decision: 15/12/2017, Raise Objections

**22/5046/41:** LAND TO THE REAR OF ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Pre-Application Advice (3 dwellings)

Decision: 16/06/2022, Raise Objections

**22/1184/10:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

3 no. near zero carbon bespoke self-build dwellings within the curtilage of existing dwelling (Ecological Assessment Report Received 18/11/22)

Decision: 21/02/2023, Refuse

**23/0360/09:** ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

Continued use as a garden.

Decision: 25/07/2023, Grant

## **PUBLICITY**

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

No letters of objection have been received following consultation.

## **CONSULTATION**

**Transportation Section:** No objection subject to conditions.

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

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

**Countryside (Ecology):** No objection subject to condition.

**Flood Risk Management (Drainage):** No objection subject to condition in relation to surface water drainage. Informative note also suggested to make the applicant aware that separate SuDS approval will be required should the application gain consent.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The current LDP's lifespan was 2011 to 2021. 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, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies partially within and partially outside of the settlement boundary for Beddau and is within the Llantrisant Common Site of Importance for Nature Conservation (SINC), Llantrisant Surrounds Special Landscape Area and within a Sandstone Resources Area.

**Policy CS2** – The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries and promoting residential development with a sense of place that respects the character and context of the area.

**Policy AW1** - The policy identifies how land will be made available to meet the housing land requirement figure, and does not include the development of unallocated land outside the defined settlement boundary.

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

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

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

**Policy AW8** – only permits new development where it is shown that there will be no harm to locally designated sites or unacceptable impact upon features of importance to landscape or nature conservation.

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

**Policy AW14** – Identifies areas for the safeguarding of minerals within the County Borough.

**Policy SSA13** – supports new development within the settlement boundary in the Southern Strategy Area.

**Policy SSA23.5** – Identifies the site as being within the Llantrisant Surrounds Special Landscape Area. These areas are noted for their landscape quality and development will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Delivering Design and Placemaking: Access, Circulation and Parking
- Nature Conservation

### **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 not considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW and the FW204; or the Well-being of Future Generations (Wales) Act's sustainable development principles.

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 relates to the construction of 3no. detached dwellings within the curtilage of St David's House, Beddau.

The site lies partially within/outside the settlement boundary, as defined by Policy SSA13 of the LDP. An element of the access which passes through the existing dwelling's curtilage is inside settlement limits but area that would accommodate the proposed dwellings is outside of settlement limits, contrary to several policies of the LDP including CS2, AW1, AW2 and SSA13.

Policy SSA13 explicitly states *"in order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss, development will not be permitted outside the defined settlement*

*boundaries*". As such any future application for residential development at the site would be contrary to this Policy.

Further, whilst it is noted that the site is in close proximity to the settlement of Beddau which accommodates a number of services, due to its location outside of the settlement boundary, the site cannot be considered a sustainable location and therefore does not meet the relevant criteria of Policy AW2.

It is appreciated that sites outside of settlement limits to the north and north west of the proposal have been granted permission for residential development, as set out in the supporting information, however, these developments were for affordable housing and were classed as exception sites which can be permitted in the countryside in accordance with Policy AW3 of the LDP. This policy is not relevant to private housing such as that proposed.

The supporting information also sets out that paragraph 3.60 of Planning Policy Wales Edition 11 is relevant in this instance and provides weight alongside the other merits of the scheme to overcome the siting outside of the settlement boundary.

Para 3.60 sets out "*Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.*"

Whilst it is noted that PPW sets out that minor extensions to existing settlements may be acceptable in certain circumstances, in this instance the 3no. dwellings proposed would not deliver affordable housing to meet local need or increase local economic activity, contrary to Policy AW3 of the LDP. As such, it is not considered that para 3.60 of PPW provides sufficient weight to overcome the siting outside of the settlement boundary.

Members are also advised that the lawful use of the site as garden curtilage associated with the main dwelling known as St David's House does not provide any weight in overcoming the location of the site outside of the settlement boundary.

As such, whilst it is acknowledged that the proposed site would be physically linked to the settlement of Beddau, being located outside of the settlement boundary any residential development here would be contrary to LDP Policies AW1, AW2 and SSA13 which do not support the provision of new housing in this location.

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

The proposed development would form a large-scale addition to the application site and would fundamentally alter its current appearance from garden curtilage, which is

set out as mown lawn. However, the development is considered to be of an attractive high quality modern design and appearance which would respect the existing character and appearance of the site.

Additionally, the subdivision of the existing property would also allow for a sufficient amenity space to be retained at St David's House due to its significantly larger than average amenity space. As such, the development is not considered to result in overdevelopment of the plot. Furthermore, the use of external materials such as wood cladding and stone would be sympathetic to the surroundings of the application site.

It is also noted that given the location of the development to the rear of St David's House and its position within the wider landscape, the proposed development would be largely screened from view in the area surrounding the site.

Taking the above into account, the proposal is considered acceptable in respect of its impact upon the character and appearance of the application property and surrounding Special Landscape Area.

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

Given the location of the site and the relationship with the closest neighbouring properties along Castellau Road, it is not considered that the proposal would result in any adverse impact upon the amenities of the occupiers of these properties which are sufficiently separated and screened by existing development and vegetation.

With regard to the impact upon the occupiers of St David's House, whilst the proposal would inevitably form a prominent addition when viewed from this property, it is noted that the dwellings would be separated by approximately 16 metres which is considered acceptable. Members are also advised that as the applicant is the current occupier of this property, it can be assumed they would not consider the impact unacceptable in this regard and this matter would have been subject to consideration during the design process.

In addition to the above, it is also noted that no objections have been received following consultation with neighbouring occupiers. As such, the proposal is not considered to adversely impact upon the residential amenity of surrounding properties.

### **Highway safety**

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

The proposed dwellings are served off Castellau Road and via an existing vehicular access point serving St David's House. Castellau Road fronting the site is lacking in

segregated footway provision and width for safe two-way vehicular traffic. However, there is a scheme opposite for a housing development which was recently granted planning permission which provides a widened carriageway of 5.5m which is safe for two-way vehicular movement, and provision of a segregated footway facility along the northern side of the carriageway.

Nevertheless, there is concern that the proposed application does not provide for a segregated footway the full extent of the site frontage with potential for residents to walk in both directions from the proposed dwellings. However, there is potential to overcome this concern by way of condition to set the site boundary back for provision of a 2m segregated footway with un-controlled crossing points at either end for safe pedestrian movement.

The proposed private shared access serving 4 dwellings has a width that varies between 5m-6.5m which is acceptable for safe vehicular movement. There is no dedicated turning facility. However, service and delivery vehicles will be able to perform a turn within the shared forecourt fronting the dwellings which is acceptable.

Castellau Road fronting the site is subject to 20Mph speed limit requiring vision splays of 2.4m x 22m in accordance with Manual for Streets. The proposed provides for vision splays to accord with the speed limit proposed which is acceptable.

The proposed dwellings require up-to a maximum of 3 spaces per plot with each plot providing for a double garage and a further 2 spaces allocated within the access and circulation area which is considered acceptable. Whilst not clearly identified on the plan there is sufficient space for visitor parking to be accommodated within the circulating area or potentially utilise the addition parking space allocated per plot.

Taking the above into account, the application is considered acceptable in this regard.

## **Ecology**

The application is supported by an Ecological Assessment Report. This has been reviewed by the Council's Ecologist who provided the following comments:

We agree with the findings of the report which recognise that the area of marshy grassland to the south of the site within the ownership of the applicant is in poor condition. However, this area does contain 12 indicator species for marshy grassland listed in the SINC Selection Criteria, but we also agree that with careful management the area can be brought into good condition. The report also recognises that the lawn area has been modified to the point where it is now not of SINC quality which is also not disputed.

As such, while no objection is raised, to ensure the improvement of the adjacent grassland, should the scheme gain consent, a condition is suggested for the 10 year

ecology management plan/scheme stated in section 5 of the ecology report to be implemented.

## **Drainage**

No objection was raised by the Council's Flood Risk Management Team or Dwr Cymru Welsh Water following consultation. Whilst these consultees have requested conditions in relation to surface water drainage, it is considered that as this matter is controlled under separate SuDS legislation. As such an informative note would be appropriate.

## **Other Considerations**

The proposed development is within a sandstone safeguarding area, as identified under Policy AW14.2. However, due to neighbouring developments it is fair to consider that the site would not likely be suitable for future mineral extraction.

It is also noted that following consultation, no objection to the application was raised by Natural Resources Wales, The Coal Authority or South Wales Fire and Rescue.

## **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application site lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £107,114.23.

## **Conclusion**

Whilst the application is considered acceptable in terms of its impact upon the character and appearance of the area, residential amenity and highway safety, the application site is located outside of the defined, fixed, settlement boundary of Beddau. Consequently, the proposed development fails to comply with key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13 of the Rhondda Cynon Taf LDP

## **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The application site is located outside of the defined settlement boundary of Beddau. As such the proposed development fails to comply with the key sustainable development objectives of Policies CS2, AW1, AW2 and SSA13

of the Rhondda Cynon Taf Local Development Plan and is therefore unacceptable in principle.