

PLANNING & DEVELOPMENT COMMITTEE

07 March 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1169/10 (JE)
APPLICANT: Mr J Pritchard
DEVELOPMENT: Detached dwelling and upgrade works to access lane.
(Coal Mining Risk Assessment received 21/11/23)
(amended red line boundary and plans received 15/12/23)
LOCATION: LAND TO THE REAR OF MILDRED STREET,
BEDDAU
DATE REGISTERED: 20/10/2023
ELECTORAL DIVISION: Beddau and Tyn-y-nant

RECOMMENDATION: APPROVE

REASONS: The principle of development is considered acceptable and the proposed scheme 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.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.
- A request has been received from local Member Councillor Julie Barton for the matter to come to Committee so that Members can consider the key issues of the application.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached dwelling and upgrade works to the adjacent service lane at land to the rear of Mildred Street, Beddau.

The proposed dwelling would be located centrally within the plot with an area of parking to the front and a garden to the rear. The dwelling would measure a width of 12.4 metres by a depth of 12 metres. The dwelling would have a hipped roof design which also incorporates 2no. gable features on its front elevation measuring a maximum height of 8 metres sloping to 5.1 metres at the eaves. Access to the dwelling would be via an existing service lane which adjoins Heol Y Beddau to the south east of the proposed dwelling.

The proposed upgrade works to the lane would consist of increasing the width from 3.5 metres to between 4.5 and 5.5 metres and the creation of a formal turning head along with new surfacing.

The application is supported by:

- Coal Mining Risk Assessment
- Coal Mining Technical Note
- Green Infrastructure Statement

SITE APPRAISAL

The application site is an irregular parcel of land located within the settlement of Beddau. The site occupies a position to the rear of Heol Y Beddau and has been historically cleared and is currently largely open with an area of vegetation along its northern boundary and a large tree to the western boundary of the site. The site is bounded by properties at Wellfield Mews to the north, a storage unit within the ownership of the applicant to the east and residential properties along Heol Y Beddau to the south and west. The site occupies an elevated position above the storage unit to the east and the properties to the south, with a decrease in levels seen towards the site access.

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

PLANNING HISTORY

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

19/0791/10: LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG

Single storey storage unit. (Coal Mining Risk Assessment Received 26/09/19)

Decision: 23/10/2019, Grant

20/0278/38: LAND OFF HEOL Y BEDDAU, TYNANT, BEDDAU, PONTYPRIDD.

Discharge of condition 6 Site Investigation Report

Decision: 18/09/2020, Grant

21/0431/15: STORAGE UNIT OFF HEOL Y BEDDAU, PONTYPRIDD, CF38 2AG
Variation of condition 2 (approved plans) to seek permission for amended building location, building height, forecourt and external cladding. (Original application 19/0791/10). (Amended Plans Received 02/08/21)
Decision: 26/11/2021, Refuse

22/1409/39: LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG
Non Material Amendment to regularise changes made to the external elevations and inclusion of internal toilets.
Decision: 14/04/2023, Grant

23/0349/39: LAND TO THE REAR OF 23 - 43 HEOL-Y-BEDDAU, BEDDAU, PONTYPRIDD, CF38 2AG
Reduce external ground level and extend cladding by 300mm.
Decision: 12/05/2023, Grant

PUBLICITY

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

5no. letters of objection have been received from neighbouring occupiers following consultation. The points raised have been summarised below:

- Within the period from 1994 to the present we have had consistent observed sightings of bats in the vicinity, with the unconfirmed suspicion of roosting within at least one of the multiple known protected trees. This also highlights the fact only one protected tree is mentioned within the report. In addition, there has been sighting of mammals, birds including nesting birds and butterflies within the vicinity of the site. The site accommodates visible reptile habitat and Dormice are known to inhabit the area including Tynant Woods and the Church Village Bypass. As such, the application should be accompanied by a relevant ecological assessment.
- It is well known by the local residents that a culvert is in place following the fence line of Wellfield and runs into the drains within Wellfield Mews. There have been a number of flooding incidents historically in the road that joins Wellfield, Wellfield Mews and Mildred Street especially during the development of Wellfield itself. In support of local drainage concerns, there are numerous zone 2 and 3 flooding issues within the nearby environment as highlighted in NRW's own flood planning map. There are no considerations or plans within the application to show how this drainage is expected to support the removal of greenfield land or the development process.
- The size of the building and the location within the plot would be intrusive to neighbours including ourselves within 45 Wellfield.

- The new dwelling sits to the south east of 45 Wellfield. It would significantly reduce the amount of light into both the home and garden as well as removing the current view towards Garth Mountain.
- The development is likely to result in a devaluation of our property as well as that of our neighbours.
- The house will obstruct my sunlight, will be an eyesore and I feel an infringement of my privacy.
- I don't feel the land is a suitable place to build a 5 bedroom dwelling so close to existing houses.
- The house will block out light to our house and will look over our home.
- Very close proximity to boundary fence.
- Lights from planned property will impose on my property.
- Building is directly over a culvert pipeline.
- Increase noise and disturbance levels.
- Previous application that came before committee was refused due to highway safety concerns.
- Concerns around the accuracy of the information within the supporting coal mining information.
- Highway safety concerns associated with the use of the access lane to serve the dwelling.
- Vision splays required for the safety of pedestrians and highway safety is not possible due to existing garages and walls.

Members are advised that an objector has also raised a number of concerns with regard to the use of the adjoining storage unit under the ownership of the applicant which they consider is being operated in breach of the approved conditions. These concerns do not relate to this current application and have been passed to the Council's Planning Enforcement team and will be investigated separately to this planning application.

CONSULTATION

Transportation Section: No objection subject to conditions.

The Coal Authority: No objection.

Flood Risk Management (Drainage): No objection subject to condition.

Dwr Cymru/Welsh Water: No objection although condition requested in relation to surface water drainage.

South Wales Fire and Rescue: No objection.

Countryside (Ecology): No objection raised subject to condition with regard to ecological enhancement measures.

Public Health and Protection: No objection although conditions suggested with regard to hours of construction, noise, dust and waste.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

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

Policy CS2 – sets out the criteria for new development in the Southern Strategy Area.

Policy AW1 – sets out the criteria for new housing developments.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

Policy AW4 - details the criteria for planning obligations, including the Community Infrastructure Levy (CIL).

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

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

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

Supplementary Planning Guidance

- Design and Placemaking
- Delivering Design and Placemaking: Circulation & Parking Requirements
- Nature Conservation
- Planning Obligations

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 12) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The proposed site for the dwelling is located within the defined settlement boundary and forms part of a large residential area of Beddau. As such the proposed dwelling would comply with LDP Policies CS2, AW1 and SSA13, all of which support the provision of new housing on unallocated sites within settlement boundaries in the Southern Strategy area.

The application site is also within easy walking distance of public transport links with satisfactory links to the wider community to promote sustainable modes of transport. As such, the application is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

With regard to the works to the access lane, these works would involve the improvement of an service lane that would also provide a benefit to neighbouring properties along Mildred Street along with serving the proposed dwelling.

Therefore, the principle of development could be considered acceptable subject to compliance with the criteria set out below.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

Whilst there is some concern with regard to the siting of the dwelling to the rear of existing development in this area, which could be considered to form 'backland development', when considering recently refused application ref. 22/1270/10 which proposed a similar dwelling at a plot to the rear of existing dwellings in Ynyshir and was refused for this reason, it is noted that during the subsequent appeal the Inspector had no concerns in terms of 'backland development' and the appeal was allowed. There have also been several other similar schemes more recently throughout the County Borough which have each been approved. It is not considered that this proposed development would be dissimilar from these cases and therefore, it is the application is, on balance, considered acceptable in this regard.

The submitted site layout plan indicates the site is large enough to accommodate the proposed dwelling whilst also retaining sufficient amenity space and off street parking. As such, it is not considered that the proposal would result in overdevelopment of the plot. Whilst the proposed dwelling would be of a significant scale that would result a prominent addition to the site and the immediate area, given the varied nature of the surrounding properties it is considered the proposed dwelling could be accommodated without causing unacceptable harm to the overall character and appearance of the area.

Notwithstanding the above, given the scale of the site and dwelling there is the potential for significant additions through the use of permitted development rights,

which could result in an unacceptable impact. As such, to ensure that any further extensions or additions do not adversely impact upon the character and appearance of the area a condition is set out below to remove permitted development rights.

The application currently lacks sufficient information in relation to landscaping. Nevertheless, it is considered that these matters could be controlled via suitably worded conditions.

As such, it is considered that the proposals will not have a significant impact on the character or appearance of the area and the application is compliant with the relevant requirements of Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

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

Given the siting of the development any impact upon residential amenity would be greatest upon properties at Wellfield Mews to the north and Heol Y Beddau to the south. These impacts are considered in more detail below.

With regard to properties at Heol Y Beddau, the rear elevation of these dwellings would be separated by approximately 22.8 metres at their closest point from the proposed dwelling. As such, whilst the dwelling would form a visible addition from these dwellings given the side on relationship any impact would be typical of that which occurs between neighbouring properties within the vicinity and is considered acceptable.

Turning to the impact upon properties at Wellfield Mews to the north which are separated by approximately 13 metres from the dwelling. It is appreciated that the proposal would have its greatest impact upon this elevation and would be a prominent addition from the rear of the properties. However, when considering that these properties are elevated above the proposed dwelling by approximately 1.8 metres along with the separation distance, it is not considered that any impact would be great enough to warrant a refusal of the application. Members are also advised that following the consultation exercise amended plans were received which decreased the ridge height of the property by 1 metre to address concerns raised.

When considering the impact upon the privacy of neighbouring occupiers which has been raised by the objectors, given the orientation of the property and the fact that first floor windows on the side elevations would be obscured glazed, it is not considered that the proposed dwelling would exacerbate existing levels of overlooking that have been established between neighbouring properties within the vicinity of the site.

The objectors also raised concerns regarding loss of light to their property. Taking into account the relationship with the closest neighbouring properties set out above, it is not considered that the development would result in any adverse loss of sunlight and overshadowing of surrounding properties. In addition, matters surrounding the right to light form a civil matter and do not form a material planning consideration.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety and Parking Provision

The Council's Transportation Section were notified during the consultation process in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

Access

Access to the proposed development would be via the adopted lane served off Heol-y-Beddau. The lane also provides access to rear off-street parking for multiple dwellings on Mildred Street and the applicant's existing storage unit.

The lane is severely sub-standard in terms of width to accommodate 2-way traffic flow, junction radii, vision splays to the left, segregated pedestrian footway facilities, turning area, street lighting, highway drainage and structural integrity. However, the applicant has overcome these concerns by purchasing a strip of land adjacent to the lane to provide a carriageway widened to 4.5m with a large section widened to 5.5m and a full size turning facility which can accommodate the turning movements associated with a residential use such as a refuse vehicle. The lane is currently adopted highway class 6 which requires reactive maintenance only. The applicant proposes to upgrade the lane access including the widened section and offer for adoption which can be conditioned accordingly.

The proposed dwelling will result in between 7-10 vehicular movements per day. Taking into account the limited additional traffic to that which already occurs, the improvements suggested to overcome previous concerns by widening the existing lane with provision of full size turning facility which will not only result in the application being acceptable as a shared use for pedestrians and vehicles but will provide a wider lane width to enable residents of Mildred Street to provide rear off-street car parking with the lane width providing easier access to the rear garden should residents wish to convert gardens to parking spaces or use existing facilities.

SPG Access, Circulation & Parking 2011.

The proposed dwelling requires up-to a maximum of 3 off-street spaces with 3 provided which is acceptable.

Conclusion

The existing access lane is sub-standard for use as a residential access. However, taking into account the limited additional traffic generated by one dwelling, the improvements proposed by widening the carriageway with provision of a full size turning facility which is acceptable as a shared use for residents and vehicles along with the benefit of ease of access to the rear of existing dwellings on Mildred Street for residents wishing to park off-street, the proposed is acceptable in highway safety terms.

Ecology and Biodiversity

Whilst the comments of the objectors that the application has not adequately addressed ecology issues are noted, following consultation the Council's Ecologist has set out that given the nature of the site and the scope of the works proposed with the cut and fill operations outside of the area of the retained trees, any associated ecological implications would be limited. As such, no specific ecological assessment is required to support the application, however, to ensure that the proposed development results in a positive impact upon biodiversity a condition requiring details of bat/bird bricks is set out below.

Historic Coal Mining Activity

Following the submission of a Coal Mining Risk Assessment and subsequent technical note in support of the application, the Coal Authority considered that the submitted information is sufficient in demonstrating that the application site is safe and stable for the proposed development. As such, the application is considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan and is acceptable in this regard.

Public Health

The Public Health and Protection Division suggested a number of conditions be attached to any consent in relation to construction noise, waste, dust and soil sampling. Whilst these comments are appreciated, it is considered that these issues 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.

Drainage

Following consultation, the Council's Flood Risk Management Team and Dwr Cymru Welsh Water raised no objection to the application. However, both consultees requested a condition be attached to any consent with regard to surface water drainage from the proposed development. Nevertheless, as this development would

require separate SAB approval it is not considered that such a condition would be reasonable or necessary.

Other issues raised by the objectors

The loss of view and impact upon property values were also raised within the objector's comments. Whilst these points are noted, they do not form material planning considerations and cannot be taken into account during the consideration of this application.

Community Infrastructure Levy (CIL) Liability

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

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.

The CIL (including indexation) for this development is expected to be £35601.84.

Conclusion

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.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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 plan no's
 - 2951 NB 01
 - 2951 NB 02and documents received by the Local Planning Authority on 15/12/23, 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 take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. Before the development is brought into beneficial occupation, the means of access, together with the parking and turning facilities, shall be laid out in accordance with submitted plan 2951 NB 02 REV A and constructed in accordance with details to first be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

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

5. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the works to the existing lane running parallel to Mildred Street including lane widening, turning facility and its tie in with Heol Y Beddau together with sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

6. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system.

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.

7. No development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;
 - a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,

- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall 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.

9. 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.

10. 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.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no extensions, outbuildings or any other structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the site and amenity of neighbouring occupiers in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.