

PLANNING & DEVELOPMENT COMMITTEE

05 DECEMBER 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 24/0810/FUL (CHJ)
APPLICANT: Mr Brian Parsons
DEVELOPMENT: Proposed dormer bungalow
LOCATION: Awelon, Hirwaun Road, Pen-y-waun, Aberdare, CF44 9AF
DATE REGISTERED: 6 August 2024
ELECTORAL DIVISION: Aberdare West And Llwydcoed

RECOMMENDATION: Approve with Conditions

REASONS: The application sits comfortably within the curtilage of an existing residential property known as Awelon and, while being outside of settlement limits, sits within a predominantly wider residential area. Its approval would provide additional housing to the area and its construction, while being in the Green Wedge, would not lead to the coalescence of the settlements of Trecynon and Penywaun.

REASON APPLICATION IS REPORTED TO COMMITTEE

The location of the application means that it constitutes a departure from the provisions of the LDP however the recommendation of approval means that it is not covered under the Scheme of Delegation.

APPLICATION DETAILS & SITE APPRAISAL

This is a detailed application for the construction of a (dormer) bungalow and garage on Hirwaun Road, Trecynon.

The bungalow will be situated within the garden curtilage of a property known as Awelon. This property was in a state of disrepair (and unoccupied) for some time and the curtilage became overgrown and the dwelling became largely hidden from sight. However, the property was bought and has since had consent to carry out significant alterations and improvements to modernise it and bring it back into beneficial use. It features its own vehicular access to which the proposed bungalow is not reliant.

Access to the proposed bungalow will be made directly off Hirwaun Road where there is an existing vehicular access.

The bungalow will have a maximum footprint of 12.0 metres by 12.0 metres. The roof will be a maximum of 6.80 metres high. It will feature a living room, a study, a utility room and a kitchen / dining room at ground floor level with two bedrooms, a bathroom and a walk-in wardrobe in the roof space.

It is proposed to finish the bungalow in a smooth render with a slate roof and reconstituted stone features to the windows and dormers. There is a projecting wall to the rear elevation that will feature a large expanse of glazing with a random size stone wall detailing.

The garage will measure 8.0 metres long by 4.0 metres wide and have a pitched (apex) roof at a maximum height of 3.705 metres high. It will be finished in smooth render with a slate roof.

The application site is slightly elevated both above the ground level of Awelon (approx. 0.5 metres) and Hirwaun Road (approx. 1.5 metres).

The site sits within (or between) the villages of Trecynon and Penywaun, although it sits outside of the defined settlement limits and within a Green Wedge – NSA 24 (7).

Notwithstanding these designations, the application sits within the existing residential curtilage of Awelon and does not encroach beyond its boundaries into the open countryside.

PUBLICITY

The application was publicised by both neighbour notification and a site notice. As a result, **no letters** (for or against) were received.

CONSULTATION

The following were consulted as part of the application. A brief precis of responses are included for Committee's consideration:

RCT Highways & Transportation – no objection

RCT Countryside – no objection

Coal Authority – no objection following the submission of a Coal Mining Risk Assessment (and addition of conditions)

DC/WW – no objection

National Grid – advise on connection to the grid.

POLICY CONTEXT:

Rhondda Cynon Taf Local Development Plan:

The current LDP's lifespan was 2011 to 2021 and it is in the process of being reviewed. 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 LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies outside the defined limits of development and is not allocated for any specific purpose (other than as being within a Green Wedge).

Policy CS1 – Places an emphasis on building strong, sustainable communities.

Policy AW1 – Provides criteria against which applications for new housing will be considered.

Policy AW2 – Provides criteria to determine whether a site is located in a sustainable location.

Policy AW4 – This policy provides support to secure planning obligations and contributions.

Policy AW5 – This policy sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – This policy requires development to involve a high-quality design and to make a positive contribution to place making.

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

Policy AW10 – Prohibits development proposals that would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA12 – Development within the Northern Strategy Area will be permitted within the defined settlement boundaries subject to a number of criteria.

Policy AW24 (7) – allocation of land between Trecynon & Penywaun as a Green Wedge

Supplementary Planning Guidance:

- Design and Placemaking
- Access, Circulation and Parking Requirements
- 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 12 (PPW) was issued on 7th February 2024. PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is not considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; nor is it 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.

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

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP

Other relevant 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.

The principal issue in the consideration of this application is the proposal to construct an additional dwelling at a location outside of settlement limits and, also, its inclusion within the Green Wedge. Other issues include matters of scale, design, ecology and other standard considerations.

The principal issue involving the siting of a house outside of the settlement limits (as defined by the LDP) needs to be assessed against the primary principle of protecting the countryside (including all areas outside of the settlement limits) *for its own sake*.

Additionally, the LDP gives, under certain criteria, an exception to this where some residential development outside the settlement limits may be permitted however, Committee is advised that the location of the application site does **not meet any listed criteria**. This means that, should Committee wish to approve the application, there must be “material considerations” that outweigh the provisions of the development plan in force.

While it is acknowledged that the LDP has now passed its intended expiry date and the Council is in the process of preparing a new LDP. It is considered that its age, *per se*, is not considered sufficient weight on its own to outweigh considerations to protect the integrity of the defined settlement limits.

With regard to the settlement limits, the application site sits a meaningful distance from the defined settlement limit although, in land-use terms, the curtilage of Awelon is physically adjoining (to the **east**) the curtilage of the Hebron Piano School (which is a facility located within a large, detached house with spacious grounds). This, in turn, sits adjoining the curtilage of Pleasant View Park (residential development of approximately 40 houses).

The land bounding the east of Pleasant View Park remains largely undeveloped however is specifically allocated within the LDP for purposes required for an expansion of Coleg Morgannwg (Policy NSA28). Since the LDP was prepared and adopted, Coleg Morgannwg have now relocated therefore, this land (the NSA28 allocation) is no longer required for use by the College. In recent years, part of the site has been taken up by a residential development (therefore also being outside of settlement limits). While there is still a significant gap between this new residential development and Pleasant View Park, it does help to explain why boundaries were drawn at the time of the LDP preparation where, if the College did not require it for an expansion, the allocation may have been different.

With regard to the allocation of the Green Wedge, this type of designation is designed to avoid the “coalescence of settlements”. That is to say it is to prevent two villages (or towns in some cases) from joining to form a mass thereby losing their sense of individuality. In this case it is designed to protect Penywaun from merging with Trecynon

To the **west** of the application site (the Green Wedge), the curtilage of Awelon is bounded by a large hedge which clearly separates the boundary of the existing house from the vacant field next door. The purpose of this field is fundamental to the protection and integrity of the Green Wedge and is a clear and distinct area of land where Committee is advised that any encroachment would be easily capable of being defended.

Therefore, the key question in the consideration of this application is whether Committee thinks that the provision of one additional house within the curtilage of an existing dwelling would erode the space dividing Penywaun from Trecynon so as to make them appear as one larger settlement or would create such that it would lead to an inevitable pressure to develop the field for residential purposes.

In this regard, Committee is advised that the curtilage of Awelon has the appearance of a large curtilage of a single property and not “open countryside” *per se*. In addition, as a single dwelling, Awelon would be entitled to place relatively large structures (ancillary to

it) within the garden area such that it would not appear to be anything other than a domestic property. A vehicular access to the site already exists which would further suggest past activity at the site, and, at the time of the site visit, there was a large barn type structure within its curtilage that not only demonstrates activity on this site but also could be the subject of an application to consider its conversion into a further residential unit or other compatible use.

Committee is advised that the single most over-riding consideration is that the large field to the west of the application site is bounded by mature hedges and contains no built development that could lead to the impression that it was part of either the residential limits of Penywaun or Trecynon and that it acts as a clear and distinct buffer that would maintain the integrity of the Green Wedge, such that the provision of a single dwelling within the curtilage of Awelon would not erode.

Other matters

Having had regard to the principal issues, matters such as the scale and design of the bungalow and its massing next to the existing property are considered acceptable.

The Council's Ecologist has also responded advising that, as the curtilage of an existing dwelling, there is little of any particular Ecological interest however was given assurance that the hedgerow dividing this site from the adjoining field was not proposed to be removed (or affected) by this development.

The Coal Authority has offered some concerns that would require the applicant to carry out some intrusive investigations to establish whether the coal mining legacy in that area require any special considerations to be included within its construction. Accordingly, conditions have been added to this effect.

Access into the site is via an existing opening (gated) where improvements to the visibility splays can be achieved and vehicles entering the site have the ability to turn and leave the site in a forward gear. The Council's Highways & Transportation Section have also offered no objection to the development being satisfied that both properties can appropriately be served from its own individual accesses.

Community Infrastructure Levy 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 lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Having regard to the above considerations, the following **RECOMMENDATION** is made.

RECOMMENDATION: Approval subject to 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 plans:
- Site Plan and layout (drawing number - 2024-001 - Awelon ND)
 - Elevations, floor plans and sections (Drawing number 2024-002 - Awelon ND)
 - Topographical Survey Plan (drawing number BD/AWE/01)
 - Coal Mining Risk Assessment (Report No. BC/MB/08.24.04)
 - Green Infrastructure Statement dated August 2024

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 Before the development is brought into beneficial use, the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted Drawing Reference: 2024-001 and be constructed in permanent materials which shall first be agreed with the Local Planning Authority.

Reason: In the interests of highway safety, to ensure vehicles are parked off the highway and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 4 The vehicular access to the site shall be laid out, constructed and retained thereafter with visibility splays of 2.4 metres by the full site frontage. Nothing greater than 0.80 metres shall be located within the visibility splays.

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

- 5 Notwithstanding the details shown on the approved plans, the vehicular footway crossover shall be provided in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority prior to works commencing on site. The crossover shall be provided in accordance with the approved details prior to the first beneficial occupation of the development and retained thereafter.

Reason: In the interests of highway and pedestrian 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 connect 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 take place until there has been submitted to and approved 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.

- 8 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(s) 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.

- 9 Prior to commencement of the development, a scheme for biodiversity enhancement shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme, as approved, shall be implemented prior to the beneficial occupation of the dwelling and shall be retained and maintained for the designed purpose thereafter.

Reason: To provide biodiversity enhancement, in accordance with Planning Policy Wales 12 (PPW 12) and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 10 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.

- 11 No development shall take place 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 in accordance with the approved plans prior to the first beneficial occupation of the dwelling.

Reason: To ensure that the 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.

- 12 Building operations shall not be commenced until details (including samples) of all external materials have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved materials.

Reason: To ensure that the 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.

- 13 Prior to commencement of development, details of the disposal of foul sewage shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with any approval.

Reason: To ensure adequate disposal of foul drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 14 No development shall commence until:
(a) a scheme of intrusive site investigations has been carried out to establish the risks posed to the development by past mining activities, and,
(b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full. Any intrusive investigations must be carried out in accordance with authoritative UK guidance.

Reason: In order to ensure that the site is made safe and stable for the development proposed.

- 15 Prior to the first beneficial occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to, and approved in writing by, the Local Planning Authority. The document shall confirm the methods and findings of the intrusive site investigations and the

completion of any remedial works and/or mitigation necessary to address the risk posed by past coal mining activities.

Reason: In order to ensure that the site is made safe and stable for the development proposed.