

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE  
19 DECEMBER 2013**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 6</b>
<b>APPLICATIONS RECOMMENDED FOR REFUSAL</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No.13/0881 - Demolition of existing stables and erection of 1 x 5 bedroom detached house and 2 x 4 bedroom semi-detached houses, with access, garages, parking and landscaping, land at Moss Row, Abernant, Aberdare.

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## APPLICATIONS RECOMMENDED FOR REFUSAL

**APPLICATION NO:** 13/0881/10 (GW)  
**APPLICANT:** Mr & Mrs R Sheldon  
**DEVELOPMENT:** Demolition of existing stables and erection of 1 x 5 bedroom detached house and 2 x 4 bedroom semi-detached houses, with access, garages, parking and landscaping.  
**LOCATION:** LAND AT MOSS ROW, ABERNANT, ABERDARE CF44 0AJ  
**DATE REGISTERED:** 17/09/2013  
**ELECTORAL DIVISION:** Aberdare East

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**RECOMMENDATION:** Refuse

**REASONS:**

**The access is sub-standard and would result in highway safety issues.**

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### APPLICATION DETAILS

Full planning permission is sought for the development of three houses at a site off Moss Row in Abernant. A stable block would be demolished to make way for the dwellings and the site levels would be reduced to a similar level to the access lane, to accommodate the development. To retain the land at the rear a relatively low wall would be provided. One detached and two semi-detached dwellings are proposed and would be arranged approximately in line with each other.

The 5 bedroom detached dwelling would be two-storey and double-fronted. An integral double garage is proposed to the side with living accommodation above. A rear projection would also be provided. It would measure a maximum of 17.7m in width, a maximum of 12.8m in depth and with a maximum height of 9.5m. The elevations would be finished with render and the roof would be covered with slate. Parking would be provided in the double garage and 2 spaces on the drive.

The semi-detached dwellings would have 4 bedrooms each and would be two storey with a shared front gable projection. At the rear, each dwelling would have a rear gable projection adjacent to each other. They would measure a maximum of 17.8m in width, a maximum of 13m in depth and with a maximum height of 9.4m. The elevations would be finished with render and the roof would be covered with slate. A detached garage would be provided to the side of one of the dwellings. This would

provide parking for both semi-detached dwellings with 1 space in the garage and 2 spaces on the drive for each. The garage would measure a maximum of 5m in width, a maximum of 5.2m in depth and with a maximum height of 4m.

Access to the site would be via an existing lane and the turning area to the north of the site would be widened. The plans indicate a footway would be provided along the front of the site. An additional visitor parking space is identified parallel to the access road and in front of the semi-detached properties. Furthermore 3 new parking spaces are also identified within the curtilage of the applicant's dwelling to compensate for the loss of existing parking areas from the site.

The application is accompanied by the following:

- Design and Access Statement

### **SITE APPRAISAL**

The application site is a rectangular area of land which measures approximately 47m by 22m and is located along Moss Row in Abernant. It currently contains a stable block and the rest of the area is open. From a site inspection some vehicles were parked on part of the open area of the site. The site falls from the east towards Moss Row with a retaining structure approximately 1.2m in height along the boundary with the lane.

A row of traditional terrace cottages are located to the south west of the site and can be accessed via a different lane to the application site. There are plots of land opposite these properties which provide access on to Moss Row. Some of these contain garages and outbuildings which are most likely related to the properties on Moss Row.

### **PLANNING HISTORY**

12/0243	Land adjacent to 14 Moss Row	Outline permission for single dwelling	Granted 09/08/2012
10/0309	Land at River Level Tips, Abernant	Variation of condition of outline permission for residential development (68 dwellings indicated) to extend time to submit reserved matters and to allow phased implementation of development.	Granted 15/02/2012

### **PUBLICITY**

The application has been advertised via direct neighbour notification and site notice. No letters of correspondence have been received.

## **CONSULTATION**

Dwr Cymru/Welsh Water – no objection subject to drainage conditions.

Countryside, Landscape and Ecology – the stable has some potential for bats. Further details such as photographs of the inside should be submitted.

Fire Services – no objection. Details there should be vehicle access for a pump appliance to within 45m of all points within any dwelling house.

Land Reclamation and Engineering – the land is susceptible to ground water issues. No objection subject to conditions.

Public Health and Protection - no objection subject to conditions on hours of operation, noise, dust and waste.

Transportation Section – objects for the following reasons:

1. A satisfactory means of access cannot be provided to serve the traffic generated by the proposal.
2. The proposed additional use of the sub-standard access in terms of width, structural integrity, street lighting, visibility, drainage and segregated pedestrian facilities will create increased traffic hazards to the detriment of highway and pedestrian safety.
3. The proposed development will create additional vehicular reversing movements creating further traffic hazards to the detriment of highway safety and free flow of traffic along the sub-standard access lane.

## **POLICY CONTEXT**

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

The site is situated inside the defined settlement boundary and is unallocated.

**Policy CS1** - sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

**Policy AW1** – supports new housing inside the settlement boundaries and allocated sites.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**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 place making, including landscaping.

**Policy AW8** – sets out criteria to protect and enhance the natural environment.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy NSA10** – details a minimum of 30 dwellings per hectare is required unless it can be justified otherwise.

**Policy NSA12** – details criteria for development within and adjacent to settlement boundaries.

## **Supplementary Planning Guidance Access, Circulation & Parking**

### **National Guidance**

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

Manual for Streets

### **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 residential development**

The site is located inside the defined settlement limits and policies in the adopted Local Development Plan generally support new housing in such locations. Therefore

the principle of residential development of the site would be acceptable subject to other material planning considerations as detailed below.

### **Highway safety**

The proposal is to use an existing access lane from Abernant Road, which is relatively long and narrow with few passing opportunities. It serves the properties of Moss Row and via fork in the lane, a group of 5 new dwellings at Richmond Gardens and some other dwellings beyond. Further permission for dwellings on Richmond Gardens exist however these have not been constructed yet. In total the lane to Abernant Road, currently serves over 20 dwellings.

An objection has been raised by the Transportation Section that a satisfactory access cannot be provided and the existing access is sub-standard in terms of its width, structural integrity, street lighting, visibility, drainage and segregated pedestrian facilities resulting in highway safety issues. It is also detailed the sub standard access would result in reversing movements to the detriment of highway safety. The applicant has been advised of this and they have submitted an 'Access Appraisal' and amended site plan detailing an additional visitor parking space and 3 new spaces for the applicant's house (within its curtilage). The Transportation Section has seen these new submissions and maintains their original objection due to the sub-standard nature of the access lane.

Members will be aware that outline permission (10/0309) exists on a large site (River Level Tips) that could ultimately improve part of the access and junction with Abernant Road; however this cannot be relied upon in the determination of this application, as construction has not commenced. Members will also be aware that outline permission (12/0243) was granted for a new dwelling adjacent to 14 Moss Row and would be served off the same access as this proposal. Whilst this permission is acknowledged and that the lane is currently used by a number of properties; this proposal is for a relatively significant increase in the number of dwellings to be served by it. Furthermore the site is located some distance from local shops and services and public transport links; and therefore private vehicles would most likely be relied upon for transport. It is also apparent from the comments from the Transportation Section that it would be onerous for the applicant to improve the lane to an acceptable standard. Therefore it is considered the proposed development would result in highway safety issues in line with the reasons stated by the Transportation Section.

### **Visual impact**

The site is within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan and contains an existing stable building. The site is in a location characterised by a low level of development in a rural setting. Although the density of dwellings proposed maybe similar to those on Moss Row, the dwellings proposed are however relatively large in size and scale which could result in a detriment to the visual character of the area. Notwithstanding this, they would be at a lower level to the dwellings on Moss Row and the site is screened partially along

the access lane from long views by its alignment and surrounding trees and hedges. A tall conifer hedge on one of the side boundaries would be removed and would be replaced with a native species hedge. This would increase views of the site; however a native species hedge would complement the rural character of the area and would still offer some screening of the site. The dwellings themselves would be finished in suitable materials. There is a concern with regard the semi-detached dwellings and the large gable feature. However it is considered this would not justify a refusal reason on this issue and could be improved by condition if required. Finally it is also noted there are some large dwellings on Richmond Gardens of a similar size to the dwellings being proposed and in a more prominent position. Therefore, taking the above into account, it is considered the development would not result in a significant detrimental visual impact on the qualities of the area.

### **Residential amenity**

With regard to the impact on residential amenity, the main impact would be to the dwelling on the end of Moss Row, which is the applicants dwelling. The end semi-detached dwelling proposed would be in relatively close proximity and overlooking could be an issue. However, they would be off-set from each other and due to the levels it is not considered any impact would be significant enough to warrant a refusal. In all other matters the impact of the proposal on this issue would be acceptable.

### **Ecology**

The site may have ecological value; particularly for bats due to the existing building. The Council's Ecologist has requested photographic evidence to further assess this issue. These have been submitted and the Ecologist considers that the building has little potential. A precautionary bat note is advised.

### **Other Issues**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

### **Public Health**

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues if permission were to be granted.

### **Conclusion**

The application is considered not to comply with the relevant policies of the Local Development Plan in respect of the access and highway safety (Policy AW5).

### **RECOMMENDATION: Refuse**

1. A satisfactory means of access cannot be provided to serve the traffic

generated by the proposal. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

2. The proposed additional use of the sub-standard access in terms of width, structural integrity, street lighting, visibility, drainage and segregated pedestrian facilities will create increased traffic hazards to the detriment of highway and pedestrian safety. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
3. The proposed development will create additional vehicular reversing movements creating further traffic hazards to the detriment of highway safety and free flow of traffic along the sub-standard access lane. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**19 DECEMBER 2013**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR REFUSAL**

**OFFICER TO CONTACT**

**MR. J. BAILEY  
(Tel: 01443 425004)**

**See Relevant Application File**