

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

**DEVELOPMENT CONTROL
COMMITTEE**

23 June 2016

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.5 (a)

**APPLICATION NO.16/0084 – PROPOSED
CONSTRUCTION OF 9 NO. RESIDENTIAL
DWELLINGS – LAND ADJACENT TO No.
10 GARWELLT, PENYWAUN,
ABERDARE**

Author: Ms J. L. Nicholls, Senior Democratic Services Officer

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.203 (3) (Development Control Committee, 19th May 2016), a site inspection was undertaken on Wednesday, 8th June 2016 to consider concerns about overdevelopment of the site, parking problems and drainage issues.
- 3.2 The meeting was attended by the Chair and Vice-Chair of the Development Control Committee (County Borough Councillors G. Stacey and M. Griffiths respectively) and Committee Members - County Borough Councillors (Mrs) S. J. Jones, G. Smith, G. P. Thomas and P. Wasley. The Local Member County Borough Councillor H. Boggis was also in attendance.
- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L M. Adams, (Mrs) J. Bonetto, (Mrs) L. De Vet, P. Jarman, R. Lewis, C. J. Middle, S. Powderhill, S. Rees, (Mrs) A. Roberts, (Mrs) J. S. Ward and E. Webster.

- 3.4 Members met at the application site and were advised that full planning permission is sought to construct nine residential dwellings on land adjacent to 10 Garwellt, Penywaun. Members were further advised that the application proposes that the construction is undertaken in two blocks of dwellings, one block of four dwellings and one block of five dwellings. The proposed dwellings will be 8.8m in length and 8.6m high to their ridge. The dwellings would have slightly different widths which on average will be 4.0m. It was reported that the proposed development will be set back from the highway by 7.8m allowing an enclosed front garden to each dwelling and to the front of each dwelling will be a pedestrian footpath allowing access to each garden. Members were advised that there will be 17 car parking spaces, 2 spaces for each dwelling with one dwelling having one space. It was clarified that there will be a pedestrian access at each end of the parking spaces and towards the centre of the site.
- 3.5 With regard to issues concerning access, parking and highway safety, the Transportation Officer confirmed that there was no objection raised to the proposed development subject to conditions. The Officer confirmed that the Supplementary Planning Guidance: Access, Parking and Circulation indicates that the proposal of nine three bedroom dwellings requires a maximum of 27 parking spaces, 3 per dwelling. However, as the proposal is moderate in size the officer added that on balance the 17 car parking spaces (which represents one car parking space short of the minimum required) is considered an acceptable number of spaces given the sustainable and central location of the proposal in close proximity to local transportation links and local amenities.
- 3.6 Committee Members sought clarification in respect of the shortfall of car parking spaces for the proposal and the likely impact this would have.
- 3.7 The Transportation Officer referred to the Planning Inspectorate's appeal decision in 2013 in relation to a previous application for 8 dwellings, which was granted with the same shortfall in parking provision as the current proposal. The Officer also added that the current proposal for 9 dwellings would not generate significantly higher trip rates than the 8 dwellings and therefore a Planning Inspector may come to the same conclusion as previous appeal.
- 3.8 Non-Committee/Local Member – County Borough Councillor H. Boggis spoke on the application highlighting the fact that the application was 10 car parking spaces short of the maximum requirement. The Local Member expressed concerns with regard to highway safety and access to and from the site, particularly in view of the current traffic calming measures in place along the main road which it was clarified can become busy during peak times. She added that it could be further exacerbated by the proposed development. The Local Member expressed concerns about not being

able to access the street above the site via a formal link path from the proposed site. She also enquired as to maintenance of the areas near the boundaries along both sides of the site.

- 3.9 The Planning Officer pointed out that the land in question will be maintained by the residents who occupy the end dwellings as the parcel of land is allocated to side garden areas. It was also confirmed on site that should Members be minded to approve the application that a link path to the next street above the site would be implemented.

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Appendix 1

APPLICATION NO: 16/0084/10 (JAW)
APPLICANT: Suli Properties
DEVELOPMENT: Proposed construction of 9 no. residential dwellings.
LOCATION: LAND ADJACENT TO NO 10 GARWELLT, PENYWAUN,
ABERDARE, CF44 9LT
DATE REGISTERED: 17/03/2016
ELECTORAL DIVISION: Penywaun

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is acceptable.

The proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design, its impact on the residential amenity of surrounding properties as well as highway safety and parking.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal seeks full planning permission for more than 5 dwellings.

APPLICATION DETAILS

Full planning permission is sought to construct nine residential dwellings on a parcel of land within the residential estate of Garwellt, Penywaun. The application proposes the construction of two blocks of dwellings, one block comprising four dwellings and one block comprising five.

Each dwelling will be 8.8m in length with a rear single storey addition 1.6m in length. The dwellings will have slightly different widths which on average will be 4.0m and each dwelling will be 8.6m high to their ridge. Accommodation will be arranged over three levels, comprising an open plan living, dining and kitchen area and toilet on the ground floor, two bedrooms and a bathroom on the first floor. A bedroom and bathroom will be located in the roof space served by a single ridge roof dormer to the rear elevation. The external finishes will comprise rendered walls and tiled roofs.

The dwellings will be set back from the highway by 7.8m, providing a 1.5m deep enclosed front garden for each dwelling to the front of which will be a pedestrian walkway providing access to the front gardens. A row of seventeen parking spaces will run along the front of the site which will provide two spaces per dwelling with the exception of one plot having one parking space. There will be a

pedestrian access at each end of the parking spaces and at the centre of the site that will link with the pedestrian access across the front of the dwellings and a 1.4m wide footpath that runs through the centre of the site. There will be a private gated access that allows access from the central footpath to the majority of the rear gardens. The rear of each dwelling will benefit from an enclosed garden area.

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

The site is broadly rectangular in form, measuring approximately 0.13 hectares. The site is slightly elevated above the level of the adjacent highway, with a level plateau forming the main area of the plot. To the north the site is bounded by the highway, which serves Garwellt. To the south the site is bounded by three dwellings, which are located in a slightly higher elevation. To the east and west are neighbouring residential dwellings. The surrounding area is predominantly residential in character.

PLANNING HISTORY

12/0397	Development of eight residential properties (situated in two blocks of four)	Refused 13/03/12
		Appeal allowed 14/02/13

PUBLICITY

The application has been advertised by direct neighbour notification letters and the erection of site notices. As a result of the public consultation exercise two letters of objection have been received, which are summarised as follows:

- It is an ambitious undertaking to erect nine dwellings on this small area, which includes a public footpath between the two blocks. It would be more acceptable to erect the dwellings at street level to incorporate into the existing street and not build on the existing elevated position.
- Only area for children to play off road and near for parents to supervise, concern safety of children as they will be forced to play on the road.
- Will result in loss of parking for existing residents.
- Emergency services are unable to gain access due to narrowness of Delwyn Terrace and existing roads will be unable to cope with extra volume of traffic.
- Concern noise as a result of extra volume of traffic.

- Concern nearness to boundary with No 10 and impact to side bathroom and landing window, especially as a disabled person lives at property.
- Is access to side of adjacent dwellings going to be maintained and what will be the boundary treatment between the dwellings?
- Concern with regards to potential future occupiers of the dwellings as at present it is a quiet area.

CONSULTATION

Transportation Section – no objection subject to conditions and advisory notes.

Land Reclamation and Engineering – no objection subject to a condition.

Public Health and Protection – no objection subject to informative notes.

Welsh Water – no objection subject to a condition and advisory note.

Western Power Distribution – no observations received within the statutory consultation period.

Wales and West Utilities – raise no objection to the proposed development and provides advice with regard to the location of their apparatus in proximity to the application site and safe working practices to be adopted when working in close proximity to it.

Fire Service – no observations received within the statutory consultation period.

Countryside Section – no observations received within the statutory consultation period.

Coal Authority – the site lies within a low risk area and therefore there is no requirement to consult The Coal Authority.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving strong sustainable communities

Policy CS4 – housing requirements

Policy AW1 – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

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 the criteria for the protection and enhancement of 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 NSA12 – Development within and adjacent to settlement boundaries.

Relevant Supplementary Planning Guidance:

1. Design and Place making
2. Access, Circulation and Car Parking

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 Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 9 (Housing), Chapter 13 (Minimising and Managing Environmental Risks and Pollution), 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 12: Design;
PPW Technical Advice Note 18: Transport;
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.

The application site lies within settlement limits in a predominantly residential area and planning permission was allowed at appeal to erect eight dwellings on

the site in 2013. The principle of developing the site for residential purposes has therefore been firmly established. Therefore, the key considerations in this case are whether the proposed development of the site for nine dwellings will have an acceptable impact on the character and appearance of the surrounding area, the impact of the proposed development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety and parking.

Main Issues:

Impact on the character and appearance of the area

The application proposes two blocks of dwellings, a link of four and a link of five which will be set back from the highway on a similar building line to the adjacent dwelling, No. 10 Garwellt. Although the westernmost dwelling will be sited approximately 1.8m forward of the front building line of No. 11 Garwellt it is considered that the siting of the dwellings would not have an unacceptable impact on the street. The dwellings as is the case with the adjacent dwellings will be raised slightly above the highway and in line with the topography of the area with the two blocks providing an incremental increase in the ridge height from east to west which is considered acceptable.

The comments that the development of the site for nine dwellings is an ambitious undertaking and the suggestion that the dwellings be erected at street level are noted. The submitted scheme shows that although high density the site is capable of being developed to accommodate nine dwellings and the dwellings set slightly above the highway reflects the existing dwellings located either side of the site.

There is some concern that the appearance of the front of the site will appear as a row of parked cars when approaching the site from east or west. The proposed layout maximises the number of parking spaces at the site and it is not considered that the appearance of the parking spaces would appear to be so aesthetically poor in the context of the street scene as to warrant the refusal of the application.

Whilst it is noted that the proposed ridge roof dormers will be slightly larger than the previously approved scheme they will be sited within the rear roof planes and are considered acceptable.

Having regard to the above the proposal is considered acceptable in terms of its impact on the character and appearance of the area and accords with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The site is located in an established residential area with dwellings located either side, opposite and to the rear of the site. It is therefore important to consider the potential impact, upon the amenities of the occupiers of existing adjacent properties, which may result from the development of the proposed dwellings.

The concern with regard to the impact on the side facing windows at No. 10 Garwellt is acknowledged. The proposed dwellings will be sited approximately 5.8m from the pine end of the adjacent dwellings (10 and 11 Garwellt), both of which have a landing and bathroom window located in their side elevations. Taking into account that these are not principal elevations, the windows do not serve habitable rooms, there are no windows in the side elevations of the proposed dwellings and the distance between the proposed dwellings it is not considered that there would be an unacceptable effect on the residential amenities of the occupiers of these dwellings.

Although the proposed dwellings will be set back further into the site than No. 10 and 11 Garwellt it is considered that the separation distance between dwellings together with part of the dwellings at the rear being single storey in design will not result in an unacceptable impact on the occupiers of Nos. 10 and 11 Garwellt. The separation distance between the proposed dwellings and dwellings to the front and rear of the site is also considered to be acceptable.

The proposal therefore accords with policy AW5 of the Rhondda Cynon Taf Local Development Plan as it would not have an unacceptable adverse impact on the residential amenity of the occupiers of neighbouring dwellings.

Access and highway safety

The concerns of residents with regards to loss of existing parking for residents, the existing roads being unable to cope with the extra volume of traffic and emergency services being unable to gain access due to the narrowness of Delwyn Terrace are noted.

Garwellt has a carriageway width of 6.7m with no parking restrictions; however, the majority of terraced houses within the vicinity of the site do not have any off-street car parking and therefore park on street narrowing the available width of carriageway to single file traffic. The Planning Inspector in relation to the appeal decision in respect of the previous application to construct eight dwellings on the site commented *'whilst the existing highway network does not meet the more recent expectations of national guidance, this is an established residential area where the road network has operated for some time without tangible evidence of any serious highway safety problems with its use. In particular, the context of this densely built up situation, the scale of the proposal would not materially add to existing traffic movements or parking demand to the extent that the existing conditions would be fundamentally exacerbated by the development'*. It is

considered that the current proposal to develop the site for nine dwellings would not lead to a different conclusion to that of the Planning Inspector in 2013.

The proposal is to maximise parking along the front of the site by providing seventeen parking spaces, that is, two spaces for eight of the dwellings and one space for one dwelling. Supplementary Planning Guidance: Access, Parking and Circulation indicates that the proposed development of nine three bedroom dwellings require a maximum of twenty seven off-street car parking spaces a shortfall in maximum provision of ten spaces. It is noted that the proposed dwellings are relatively small and moreover the site lies in an accessible and sustainable location, within convenient reach of bus services, shops and schools. The proposed level of parking is therefore considered acceptable.

Although there is no formal right of way through the site there is currently an existing pedestrian link with the footpath in Delwyn Terrace. The proposal includes the provision of a 1.4m wide by 26m in length footpath through the centre of the site to link with the existing footpath in Delwyn Terrace, thereby, aiding accessibility on foot in and around the housing area. There is some concern with regards to the limited amount of natural surveillance over this footpath which will be limited to views from first floor windows of adjacent dwellings, however, on balance, it is not considered that the footpath is likely to attract an unacceptable level of anti-social behaviour and/or crime.

For the above reasons the proposal is considered acceptable in terms of highway safety and parking and accords with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following addresses the concerns of residents not addressed above:

- The concern that the site is the only area for children to play off road and near for parents to supervise and the future safety of children as they will be forced to play on the road is noted. The site is not formally allocated as amenity space in the Local Development Plan and the principle of developing the site for residential purposes has firmly been established.
- There is no evidence to suggest that the extra traffic generated by the proposed development would lead to unacceptable increased noise levels.
- It is acknowledged that there was a boundary treatment on the plans which was confusing. This has therefore been removed and a condition is recommended to require the submission of details of the boundary treatment of the site.
- The potential future occupiers of the dwellings is not a matter for the planning system to address.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development of the site for residential purposes is acceptable and in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings. Therefore, it is recommended that approval of full planning permission be granted subject to the conditions specified below.

RECOMMENDATION: Grant

1. The development hereby permitted shall begin not later than five years from the date of this decision.

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

2. The consent hereby granted relates to the following plans:

Location Plan - Drawing No. AL(00)01
Proposed Site Plan – Drawing No. AL(00)04 Rev. B
Proposed Plans and Elevations – Drawing No. AL(00)03 Rev. B
Proposed plans – Drawing No. AL(00)02 Rev.A
Section A-A – Drawing No. AL (00)05 Rev. B

Unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: In order to define the extent of the consent hereby granted.

3. Prior to the commencement of the development, full details of the foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and prior to the first occupation of the development.

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

4. 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 before the buildings are occupied. Development shall be carried out in accordance with the approved details.

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.

5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of the development, a detailed site investigations report shall be submitted to and approved in writing by the local planning authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground conditions. The development shall be carried out in accordance with the approved site investigations report.

Reason: In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No dwelling shall be occupied until the area for the parking of vehicles has been laid out in accordance with the approved layout plan number AL(00)04 Rev B dated 15th January 2016. The area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that vehicles are parked off the highway, in the interests

of highway safety and parking. To accord with policy AW5 of the Rhondda Cynon Taf Local Development Plan

8. Prior to the development being brought into beneficial use, a vehicular footway crossing along the site frontage Garwellt shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

9. Prior to the commencement of the development, details of the construction, surfacing and drainage of the footway link between Garwellt and Delwyn shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of pedestrian safety in accordance with policy AW5 of the Rhondda Cynon Taf local Development Plan.

10. Surface water run-off from the development shall not discharge onto the public highway or 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.

11. Prior to the commencement of the development, details of construction traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety. To accord with 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

23 JUNE 2016

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING:

**APPLICATION NO.16/0084 – PROPOSED CONSTRUCTION OF 9 NO.
RESIDENTIAL DWELLINGS – LAND ADJACENT TO NO. 10 GARWELLT,
PENYWAUN, ABERDARE**

Minute No. 203(3) (Development Control Committee, 19th May 2016)

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