



PLANNING & DEVELOPMENT COMMITTEE

17 MAY 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0165/10
(KL)
APPLICANT: Mr D J Mason
DEVELOPMENT: Proposed detached dwelling.
LOCATION: LAND OPPOSITE AND TO THE SOUTH OF 13 TO 18
BAPTIST SQUARE, BLAENLLECHAU, FERNDALE,
CF43 4NT
DATE REGISTERED: 21/02/2018
ELECTORAL DIVISION: Ferndale

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS

REASONS:

The proposed dwelling would be set within a steeply sloping site and, although it would be three-storey in height, it would be set back from the front boundary and would appear as single storey when viewed from existing properties in Baptist Square. This would reduce any potential impact on the character and appearance of the surrounding area as well as any potential impact on the amenity and privacy of surrounding residential properties.

Furthermore, three off-street parking spaces would be provided within the site with a suitable access being provided off the adopted highway. No objection has been raised by the Council's Transportation Section and the proposal would also be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the construction of a single dwelling on a vacant parcel of land opposite no's 13-18 Baptist Square, Blaenllechau.

The proposed dwelling would be set back into a steeply sloping parcel of land that would result in the front elevation being of a two-storey height and the rear elevation being of a three-storey height. The lower level of the front elevation would be set below road level, resulting in the property appearing as single storey from the street scene.

The property would have a rectangular shaped footprint measuring 8.8 metres in width by 7.8 metres in depth. It would incorporate a pitched roof design that would measure 9 metres in height to the ridge and 6.3 metres and 8.1 metres in height to the eaves (front elevation and rear elevation respectively). External materials would consist of blue pennant stonework with facing brickwork quoin detailing to the front and rear with pre-coloured render to the sides. The roof would be covered with slate roof tiles and windows and doors would be grey aluminium.

The property would provide accommodation consisting of an open-plan lounge and kitchen and W.C at basement level, a master bedroom with en-suite bathroom and walk-in wardrobe and a separate study at ground floor level and two additional bedrooms with en-suite bathrooms at first floor level.

A total of 3 off street parking spaces would be provided to the front of the property with a new vehicular/pavement cross-over being provided adjacent to the adopted highway at Baptist Square. An enclosed garden would be sited to the rear elevation.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land opposite no's 13 & 14 Baptist Square, Blaenllechau. It measures approximately 550m² with ground levels sloping steeply from the adopted highway at Baptist Square (north-east) to the adopted highway at Glyn View to the south-west.

The surrounding area is predominantly residential in character with properties typically being of a terraced design and either single or two-storey in height.

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of site notices in the vicinity of the site. A total of 7 letters of objection have been received and are summarised as follows:

- The building would impact on the view from properties in Baptist Square;
- Baptist Square is a traditional row of former miner cottages and the building would not be in keeping with the character of the neighbourhood and will have a negative visual impact;
- The open aspect of the neighbourhood would be lost;

- The noise dust and disturbance during the construction phase will be excessive despite all the safeguards put in place;
- Although off road parking is proposed, it will have a detrimental impact on the already difficult parking situation in the area;
- Some properties opposite the site are single storey and the only access to a view is on the ground floor;
- The development will have a significant effect on the future value of houses in the area;
- The land was sold to the applicant on the strict condition that no buildings would be erected on the site. The applicant agreed to this condition;
- The house will stop light to my property;
- It will impact on privacy;
- There are concerns with highway safety and road access;
- There is an established row of conifer trees on the site which should not be cut, damaged or uprooted;
- The planning suggests that the house is for the owner of the land when it is for a family member;
- The lane at the rear is a single track to 3 properties.

CONSULTATION

Countryside, Landscaping, Ecology – no comments received.

Flood Risk Management – no objection subject to condition.

Public Health – no objection subject to conditions.

SewBrec – no relevant SewBrec Records of Statutory Protected Species from immediate vicinity. However, an appropriate bat informative note will be needed on any planning permission.

Transportation – no objection subject to conditions.

Wales and West Utilities – no objection.

Dwr Cymru/Welsh Water – no objection subject to conditions and advisory notes.

Western Power – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary and is unallocated.

Policy CS1 - sets out criteria for development in the Northern Strategy Area.

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

Policy AW2 - supports development 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 AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA12 – identifies criteria for assessment of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

Access, Circulation and Parking
Design and Placemaking

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 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), 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 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.

Main Issues:

The application proposes the construction of one residential dwelling with associated off-street car parking on a parcel of land that is located within the defined settlement boundary. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition to this, it will also be necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the surrounding area.

The implications of the development upon highway safety in the vicinity of the site are a further consideration.

Principle of the proposed development

The application proposes the construction of a single residential dwelling with dedicated off-street car parking on a plot of land that is situated within the defined settlement boundary. The site is unallocated and set within an established residential area with residential properties being located to the north, east and west of the site.

As such, the development of the site for residential purposes would be compatible with surrounding land uses and the principle of the proposal is considered to be acceptable subject to an assessment of the criteria set out below:

Impact on character and appearance of area

The proposed dwelling would form a visible addition to the surrounding area, particularly when viewed from the properties immediately opposite the site as well as from wider vantage points across the valley in the village of Ferndale. However, it is not considered that it would have such a significant impact on the character of the surrounding area that it would warrant the refusal of the application.

Whilst it is acknowledged that the dwelling would be of a three-storey height, it would be set within a steeply sloping site with the principal elevation being set back approximately 10.2 metres from the adopted highway. This would result in the two lower floors of the property being set below road level and the property would therefore appear to be of a single storey height when viewed from Baptist Square. This would significantly reduce the overall bulk of the property and, given that it would be sited in a row of other single storey properties, it is not considered that it would adversely impact on the character of the street scene.

It is also noted that the three-storey height of the rear elevation would be visible from the single access track leading to Glyn View and from across the valley. However, given that the property would be viewed against the backdrop of a number of other properties that vary in terms of their scale and that it would not exceed the overall height of these properties, it is not considered that the property would have a harmful impact on the character of the surrounding area. Furthermore, properties in the wider surrounding area vary in terms of their overall finish and it is therefore not considered that the proposed finish of blue pennant stone, render and slate roof tiles would result in the property being an overly prominent addition to the area.

Whilst the proposed dwelling would differ in terms of its scale and design from other properties in the immediate vicinity, it is not considered that it would appear overly prominent or out of context with the general character of the street scene or surrounding area. Furthermore, it is noted that permission has previously been granted for more modern, detached properties to the east of the site and, whilst the concerns raised by local residents in this regard are acknowledged, it is not considered that the dwelling would have such an adverse impact on the character of the area that it would warrant the refusal of the application.

Impact on residential amenity and privacy

The proposed dwelling would be sited on a parcel of land that is situated opposite a number of residential properties in Baptist Square and it is noted that there is some potential for it to have some impact on these properties. However, taking into account that the property would be set back approximately 10.2 metres into a steeply sloping site which would result in the property appearing as single storey when viewed from Baptist Square, it is not considered that it would have a detrimental overbearing or overshadowing impact. Furthermore, the separation distance between the front elevations of properties immediately opposite the site and that of the proposed dwelling would be 16.3 metres which would further reduce any potential impact in this regard.

In terms of the impact on privacy, the proposed dwelling would incorporate three windows which would face towards properties immediately opposite the site (no's 13 & 14). However, given that the windows would be sited approximately 16.3 metres away and would serve en-suite bathrooms and a landing, it is not considered that the level of overlooking would have such an adverse impact on the privacy currently enjoyed by nearby residents that it would warrant the refusal of the application.

The proposed dwelling would also be sited approximately 34 metres away from the nearest property in Glyn View (to the west). It is therefore not considered that the dwelling would give rise to any overbearing, overshadowing or overlooking impact on this property.

Impact on Highway Safety

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the potential impact of the proposal on highway safety. Whilst objections were raised in relation to the scheme initially submitted, the scheme has been amended to set the site boundary back by 1.9 metres to provide a footway/vehicular crossover which would enable safe reversing movements to and from the site. Furthermore, 3 off-street car parking spaces would be provided within the site and, given the limited additional traffic generated by the proposed dwelling, no highway objection is raised and the proposal is therefore considered to be acceptable in this regard.

Other:

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

The site has also been identified as being within 250 metres of a landfill site and it is therefore considered that there is potential for contamination to exist on site. As such, conditions relating to contaminated land are recommended.

Drainage

The application has been subject to consultation with the Council's Flood Risk Management Team with a view to assessing the impact of the proposal on land drainage. The response received notes that the applicant proposes to discharge the surface water via a Soakaway system however no details have been submitted with the application. A condition has therefore been recommended to secure the submission of full drainage details prior to the commencement of any development.

Welsh Water have also been consulted on the proposal and raise no adverse comments in relation to the proposal (conditions recommended).

Other concerns raised by local residents

A number of objections have been received in relation to the impact of the proposal on the view currently enjoyed by the occupiers of the properties immediately opposite the site as well as the subsequent impact that this would have on the resale value of these properties. Further concerns have also been raised with regard to the level of noise and disturbance that would be experienced during the construction of the property. Whilst these concerns are acknowledged, they are not material planning considerations and therefore cannot be used as a reason to refuse planning permission.

One objector also raises concern that a number of conifer trees at the boundary between the application site and no. 1 Glyn View would be removed as part of the proposal. The trees are located on the adjoining plot of land and the applicant would need to obtain separate permission from the adjoining landowner if works are proposed to trees that are not within the site. The trees are not protected by a Tree Preservation Order, therefore this issue would be a civil matter that would need to be resolved privately between the two parties involved.

It is also noted that the land was previously sold to the applicant on the provision that it would not be developed. Whilst this is appreciated, the agreement was made privately and would not prevent the landowner from submitting and obtaining planning permission.

Further concern has also been raised that the dwelling would not be occupied by the applicant but by a family member instead. Given that the dwelling could be sold to a third party following its construction, this would not be a valid reason to refuse the application.

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.

Conclusion

The proposal is considered to be acceptable in terms of its principle, the impact it would have on the character and appearance of the surrounding area, the impact it would have upon the residential amenity and privacy of surrounding properties and the impact it would have on highway safety.

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 plans and documents received by the Local Planning Authority on 14th February 2018 and 10th April 2018, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan (rec. 14th February 2018);
- Drawing No. 01: Proposed Floor Plans (14th February 2018);
- Drawing No. 02: Proposed Elevation Plans (10th April 2018);
- Drawing No. 03: Proposed Site Layout (rec. 10th April 2018).

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 use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 03 REV A Dated April 2018 and approved by the Local Planning Authority. The off-street car parking provision shall remain for the parking of vehicles only thereafter.

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

4. Notwithstanding the submitted plans, prior to the commencement of development, design and details of the proposed footway/vehicular crossover along the site frontage to include an uncontrolled pedestrian crossing point shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance

with the approved plans prior to beneficial occupation.

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

5. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding.

6. HGV's used as part of the development shall be restricted to 9:00am to 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

7. Prior to the commencement of development, details of 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 on the public highway, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved details.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following

measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk-top study should contain a conceptual site model.
2. A Site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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.

10. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 9) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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.

11. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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.

12. 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.

13. 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.

14. No retaining wall(s) shall be constructed on site until details and design calculations have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity of the development in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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