

**PLANNING & DEVELOPMENT COMMITTEE**

**6 DECEMBER 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 17/1165/10  
(GH)  
**APPLICANT:** Mr Jordan Lee Johnson  
**DEVELOPMENT:** Proposed erection of 2 semi detached 2 bedroom dwellings, including entrance drive ways.  
**LOCATION:** LAND ADJACENT TO BROOK STREET, MOUNTAIN ASH, CF45 3AR  
**DATE REGISTERED:** 14/09/2018  
**ELECTORAL DIVISION:** Penrhiwceiber

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**RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW**

**REASONS:**

The application would represent an acceptable form of infill development, the principle of which would comply with the relevant policies of the Local Development Plan. The new dwellings would also be acceptable in respect of their design and layout, would not cause harm to the amenity and privacy of neighbouring residential properties, or be detrimental to highway safety in the vicinity of the site.

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**REASON APPLICATION REPORTED TO COMMITTEE**

An objection letter, containing the names of three neighbouring residents, has been received. In accordance with the Council's Scheme of Delegation, this application is presented for Members to determine.

**APPLICATION DETAILS**

Full planning consent is sought to construct a pair of semi-detached houses on vacant land adjacent to both Brook Street and the rear of Bailey Street, Mountain Ash.

The proposed two storey dwellings would be arranged such that their principal elevations would face eastwards; hence the southern side elevation would be

aligned with the rear boundaries of the properties known as Oaklands and Glyn Gwyn on Bailey Street.

The arrangement of the site would enable an approximately 16m deep forecourt for off-street parking to the front, with vehicular access from the adopted lane, whilst each dwelling would benefit from very long rear gardens, exceeding a depth of 30m.

Accommodation would be provided across two floors, with a lounge, kitchen/diner, utility room/WC and study to the ground floor, and two large bedrooms and bathroom to the first.

With regard to design, each house would have a width of 6.5m and a maximum depth, allowing for porch canopy, of 11.1m. The roof would be arranged as a twin pitch, with small forward facing feature gable, rising from 5.4m at the eaves to 8.4m at the ridge.

External finishes would incorporate pennant stone to the front, with cream render to the side and rear. The roof would have a standard concrete tile, whilst fenestration is detailed to be of rosewood-coloured uPVC.

## **SITE APPRAISAL**

The application site is an unallocated parcel of land located to the rear of properties located on the northern side of Bailey Street, Mountain Ash

The land is roughly of rectangular shape and comprises an area of around 0.084 hectares. Whilst the site itself is quite level, some of the adjoining land is steeper and there is a pronounced westerly rise in terrain.

Although the property is described as being adjacent to Brook Street, the main site access is from an adopted lane, which ultimately connects with Clos Gwernifor and the B2475 Miskin Road further to the north-east.

The closest neighbouring properties, as measured from the boundary line rather than the position of the proposed dwellings, are located 16.8m to the south-east along Bailey Street, 11.6m to the north-east, and 10.1m to the west.

## **PLANNING HISTORY**

The most recent applications on record associated with this site are:

10/0428	Construction of 1 no detached house (amended plans received 12 <sup>th</sup> January 2011, 24 <sup>th</sup> January 2011 and 10 <sup>th</sup> February 2011)	Refused 31/05/11
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## **PUBLICITY**

The application has been advertised by direct notification to ten neighbouring properties and notices were erected on site.

A letter of objection, containing the names of three neighbouring residents was received, raising concerns in respect of the proximity of a culvert and mine shaft, that nothing should be built under the power lines crossing the site, and that the development work could put neighbouring properties at risk. These matters are considered further below.

## **CONSULTATION**

Western Power - Western Power Distribution has advised that the applicant will need to apply to them for a new electricity connection or diversion.

Highways and Transportation - no objection, subject to conditions.

Drainage - no objections but a condition requiring the submission of drainage details is required.

Public Health - conditions are recommended with regard to noise, waste, dust and hours of operation. However, with the exception of the latter it is suggested that these matters are best controlled by existing legislation, and would therefore be unnecessary.

Dwr Cymru/Welsh Water - a condition and informative note are requested to be appended to any consent.

Wales and West Utilities - a plan noted the position of WWU assets, together with a list of general conditions, has been provided for the benefit of the applicant.

The Coal Authority - a previous objection has been withdrawn, following the submission of a supplementary report to the initial Coal Mining Risk Assessment, subject to a condition.

Countryside (Ecologist) - a condition is required in respect of a scheme to deal with Japanese Knotweed.

Corporate Estates Department - a small section of Council owned land is within the planning application boundary. The applicant has served the appropriate certificate on the Council.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Mountain Ash

**Policy CS1** - supports residential development which respects the character and context of the Principal Towns and Key Settlements

**Policy AW1** - sets out the criteria for new housing proposals

**Policy AW2** - promotes 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** - does not support development where unmitigated environmental, public health or amenity risks are present.

**Policy NSA12** - supports housing development within and adjacent to defined settlement boundaries

### **Supplementary Planning Guidance:**

Design and Placemaking

Delivering Design and Placemaking: Access, Circulation & Parking Requirements

### **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) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

#### **Principle of the proposed development**

The main consideration in the determination of the application is whether the principle of residential development is acceptable upon the site given its location within the defined settlement boundary for Mountain Ash and the surrounding, established residential development.

In respect of the wider policy considerations the new dwellings would comply with Local Development Plan Policies CS1 and AW1, the latter establishing that the delivery of new housing may be supplied, in part, by the use of unallocated sites within the defined settlement boundary. Similarly, Policy NSA12 presumes in favour of development within or adjacent to settlement boundaries contingent on certain criteria.

Furthermore, the site largely accords with what Policy AW2 would consider to be a sustainable location, with reasonable access to the highway network, public transport and to some local shops and services.

Lastly, it should also be noted that whilst a previous application for a single dwelling was refused by the Council's Planning Committee back in 2011, the development was subsequently allowed at appeal, with the Inspector finding that it would not materially impact on highway safety along the lane.

Therefore, whilst the proposed development is considered to be acceptable in principle, the scheme is also subject to the other material considerations below.

### **Impact on the character and appearance of the area**

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

The application site is an unallocated piece of land, surrounded by residential land uses and public open space, comprising dwellings to the east, south and west, and a large park to the north. The development of the land would be beneficial inasmuch as it is unkempt and because it lacks immediate natural surveillance, appears to be prone to anti-social behaviour and dumping of rubbish.

Furthermore, the design and scale of the proposed dwellings, although of a more modern style, would not be out of keeping with this local character, where there is some variety of house type and external finishes in the surrounding street scene. The use of natural stone to the front of the dwelling would provide relief from the other rendered elevations and lend the development a sense of higher quality.

However, the submitted plans do not demonstrate the level at which the slab of the house would be constructed, which is of concern given that the site rises in height towards the rear and would necessitate a degree of hard landscaping and/or excavation. This is relevant inasmuch as how the new dwellings would assimilate into the site and relate to surrounding properties, and is a matter that can be controlled by an appropriately worded condition.

Therefore, subject to such a condition requiring the submission of further detail for approval, it is considered that the proposals would contribute positively to the character and appearance of the area.

### **Impact on neighbouring occupiers**

The proposed dwellings are not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

The key concern in this regard is how the development would relate to the closest other dwellings, namely the properties known as Oaklands and Glyngwyn House to the south, and Gwynfa to the east.

In respect of the former properties located on Bailey Street, the only first floor window to the opposing side elevation of the proposed dwelling would be for a landing. It is unlikely therefore that this would constitute an overlooking opportunity. The new houses would also be 18m away at the end of a long garden, so although visible to the rear, they would not have a great mass or be close enough to harm outlook.

Similarly, there would be a gap of 24m between the new dwellings and Gwynfa, which also benefits from being screened at the front by a garage. The development would not be likely to harm outlook or cause detriment to privacy from intrusive views.

Therefore in terms of the impact on the amenity and privacy of neighbouring residents, and noting that there have been no objections from the three aforementioned neighbouring properties, the application is considered to be acceptable.

## **Highways and accessibility**

### Access

The access lane serving the site is substandard in terms of width to facilitate safe two way traffic, and has a substandard turning head at its western end. There are no segregated footways which results in any pedestrians sharing the same surface as moving motor vehicles.

Consequently there is concern in respect of safe vehicular and pedestrian movement. However, the Highways and Transportation Section has noted the previous appeal decision, which contained the Inspector's observations:

### Highway safety

*3. The lane serving the site currently provides vehicular access to 4 dwellings, as well as a number of garages and outbuildings. The site was previously occupied by 3 garages, one of which included a workshop. These could well have generated vehicular traffic movements broadly comparable to those likely to result from the proposal. There is no evidence that traffic generated by the garages adversely impacted on pedestrian safety along the lane. The lane also provides pedestrian links to Gwernifor Park, Bryn Ifor and Brook Street, and is used as a short-cut to a nearby primary school. However, it would appear that much of the pedestrian use is across the lane, between Gwernifor Park and Brook Street, rather than along its length.*

*4. The lane is single track in nature and, apart from a section at its north eastern end, lacks a separate footway. Nonetheless, it is generally wide enough to allow a service vehicle and a person in a wheelchair to pass each other. Furthermore, apart from a very short section where existing garages abut the lane, there is additional room on verges and hard-standings on its south eastern side for the able bodied to step aside, if necessary. Although it is not wide enough to allow 2 vehicles to pass each other, informal passing places are available throughout its length and forward visibility is reasonable for most of the section up to the appeal site, thereby reducing the need for vehicles to reverse.*

*5. In the above circumstances, I am of the view that the limited additional vehicular traffic likely to be generated by the proposal would not materially impact on pedestrian safety along the lane. As a result, the proposal does not conflict with Rhondda Cynon Taf Local Development Plan (LDP) policy AW5.*

Therefore taking the appeal decision into consideration, with the increase in traffic minimal to that which has already been considered by the inspector, the proposal is, on balance, acceptable.

With regard to off-street parking the proposed dwellings, in accordance with the Council's SPG for Access, Parking & Circulation, require up to a maximum of 2 spaces per dwelling to be provided. There is sufficient space within the forecourt for the required parking, although taking into account no parking layout has been provided, a condition requiring two spaces per dwelling has been suggested.

### **Other Issues**

As noted further above, neighbouring objectors raised concerns about the potential risks from encountering underground drainage assets or any mining legacy issues.

However, whilst noting that structural safety is a building regulations rather than a planning matter, there have been no objections from statutory drainage consultees about the presence of a culvert.

Furthermore, the Coal Mining Risk Assessment has been approved by the Coal Authority as a result of supplementary information provided by the Applicant's Geologist. However, the Coal Authority has recommended a condition in respect of a remediation strategy and these requirements are proposed to be captured by condition 8.

Similarly, Western Power Distribution has not raised an objection within its consultation response to the proximity of the power lines to the site, thus the concerns of the objectors are not considered to be of sufficient material weight to justify a recommendation of refusal.

### **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**

It is considered that being within the settlement boundary, the principle of the infill development is acceptable. The proposal would not have a significant impact on the character and appearance of the locality, unreasonably affect the residential amenity of the surrounding neighbouring properties, or cause detriment to 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 drawing numbers JJ/01, JJ/02, JJ/03, JJ/04 and JJ/05, and documents received by the Local Planning Authority on 24th October 2017, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development shall 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 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 scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

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.

4. No development shall commence until details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) have been submitted to and approved in writing. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981

and in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
  - a) the means of access into the site for all construction traffic,
  - b) the parking of vehicles of site operatives and visitors,
  - c) the management of vehicular and pedestrian traffic,
  - d) loading and unloading of plant and materials,
  - e) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

6. No development shall commence until details of the proposed car parking layout, to include two spaces per dwelling, have been submitted to and approved in writing by the Local Planning Authority. The parking shall be implemented in accordance with the approved details and retained in perpetuity for the parking of vehicles.

Reason: In the interests of highway safety. To ensure vehicles are parked off the highway.

7. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until a Remediation Strategy has been submitted in respect of the mine entry (adit) on site. The Strategy should consider the risks posed to the external amenity areas of these properties and what, if any, remedial works and/or mitigation measures are required to ensure the safety and stability of the development as a whole. Implementation of any necessary remedial works and/or mitigation measures shall be completed before the development is occupied.

Reason: In the interests of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No dwelling hereby approved shall be occupied until the drainage works

have been completed in accordance with the approved plans.

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

10. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

11. 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.

12. During the construction phase of the development the hours of work shall be restricted to the following.

Monday to Friday	08.00 to 18.00 hours
Saturday	08.00 to 13.00 hours
Sunday and Bank Holidays	Not At All

Reason: In the interests of the amenity of other residents, in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

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

Reason: In the interests of the safety and free flow of traffic.

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