



PLANNING & DEVELOPMENT COMMITTEE

7 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0374/10
(GD)
APPLICANT: Mr Langford
DEVELOPMENT: Proposed construction of 6 No. 2 bed terraced houses, parking and private road (revised details and site location plan submitted 11/12/2018)
LOCATION: LAND TO REAR OF 16 TO 32 GORSEDD STREET, MOUNTAIN ASH
DATE REGISTERED: 11/10/2018
ELECTORAL DIVISION: Mountain Ash West

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is considered acceptable as the site is located within settlement limits and the proposals represent a rare opportunity to make better use of a steep and overgrown site

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three or more letters of objection have been received;
- The application has been called to Committee by Councillor Andrew Morgan who has concerns at the impact of the proposed development on highway safety grounds and the loss of on street car parking.

APPLICATION DETAILS

The application seeks full planning permission for the construction of 6no. 2 bedroom terraced houses on land to the rear of 16 – 32 Gorsedd Street Mountain Ash. The houses will be located close to the western boundary of the site on its highest ground. Due to the topography of the site the houses would be of split level design with the front of the proposed houses having the appearance of a conventional two storey terraced house, with the rear elevation giving the appearance of a single storey development, with a further bedroom in the roof space with a dormer window. At ground floor, the properties would comprise living room, utility room and toilet. The first (or middle floor) would comprise kitchen diner, bedroom and bathrooms and a further bedroom is worked into the roof space. It is intended that the houses would be simply finished in rendered blockwork with a tiled roof.

Access to the site will be formed from a new junction located immediately east of the two garages adjacent to 16 Gorsedd Street which would climb in a westerly direction to the rear of no.s 16 – 32 Gorsedd Street and would involve the construction of a build out into the existing road. The access to the proposed houses would represent a continuation of the access approved for application 11/1377 (See below). Each house would have two parking spaces to the front and two vehicle-turning spaces would be provided to the south of the houses now proposed and adjacent to the upper access point for the previously approved five houses.

SITE APPRAISAL

The application site is a roughly rectangular area of land of some 0.13 hectare situated to the rear northern end of Gorsedd Street. The site slopes steeply upwards from east to west and the rear boundaries of no.s 26 – 32 Gorsedd Street form the southern boundary of the site. Elsewhere the site boundaries are formed by the footpath to the west, undeveloped ground to the north and Cartref and the site with an earlier consent for the construction of five houses to the east. The land is currently unused and overgrown with well-established ground flora.

Part of the site is an unmade track that provides rear access to the houses on Gorsedd Street

PLANNING HISTORY

11/1377	3no. new build properties and access road with on site parking and visitor parking	Approved	25/02/15
07/2093	Construction or 23no. dwellings (flats) roads ,highway works, drainage, and other works (amended plans	Refused	16/04/08

received 07/02/08, 26/02/08 01/04/08 with alternative site layout and access arrangements design of block 2 lowered ground levels for block 3 and permacrib retaining wall 6.8m high)

07/0101	Construction of 10no. new dwellings with associated highway works and drives (amendment to site plan)	Refused	31/07/08
06/0982	Construction of 13no. new dwellings with associated new highway and drive	Withdrawn	24/01/07
03/0558	Construction of 5no. detached dwellings 1 detached double garage, part adopted highway and private road with associated drainage and infrastructure (approval of reserved matters)	Approved	28/07/03
02/1279	Construction of five detached dwellings, one detached double garage, part adopted highway and private road with associated drainage and infrastructure (Amended plans received 06/11/02).	Approved	24/0103

PUBLICITY

The application was advertised by means of site notice and neighbour notification letters and following the submission of a revised layout plans a further round of public consultation has been undertaken. This has resulted in the submission of 14 objections raising the following issues.-

- The current proposed arrangement obstructs access to adjacent land in third party ownership.
- The proposed vision splay on to Gorseedd Street would encroach on to third party land and obstruct vehicular access to it.
- The positioning of a bin store adjacent to existing property is unacceptable.
- Loss of daylight to the rear of established properties.
- The proposed build out into the highway for the access will reduce available on street car parking for existing residents. It will also push traffic into the middle of the road increasing the likelihood of an accident as does the one-way system along Conybear Road.
- Existing junctions have no build out and function adequately.
- There is a general lack of parking for residents and their visitors and the proposals will only exacerbate this situation with a consequent increase in congestion.

- The development of the site would mean that the existing rear access to the properties on Gorsedd Street would be lost (some residents also claim that they own the rear lane though no evidence is offered to substantiate this).
- The loss of the trees at the site would be unacceptable.
- The loss of wildlife habitat would be unacceptable.
- Noise and disturbance to what is currently a very quiet area would increase both in the course of construction and following occupation.
- Loss of privacy with existing properties being overlooked and in the degree of mutual overlooking that the development would generate.
- Loss of the established view for existing residents
- Increased traffic movement in the area is a concern in safety terms particularly with regard to local children.
- Residential development of the site has previously been refused
- The allotments to the north of the site are a well-established amenity for local residents and concerns are expressed at the potential of the development to block access and the potential for any landscaping scheme to encroach.
- Access to the allotments needs to be maintained at all times for maintenance purposes ant to tend birds.
- It is questioned if the drains in the area have the capacity to cope with the additional development.
- Adequate provision needs to be made to replace the on street parking that would be lost in Gorsedd Street.
- Lack of advertising of the current application

CONSULTATION

Highways – no objections subject to the incorporation of appropriate conditions into any consent granted.

Flood Risk Management – no objections are raised subject to the incorporation of appropriate drainage conditions. As the proposals as submitted involve the installation of soakaways percolation tests are advised before drainage details are finalised.

Public Health & Protection – no objections subject to conditions.

Dwr Cymru/Welsh Water – no objections subject to conditions.

South Wales Fire & Rescue Service – raise no objection to the development subject to the provision of adequate water supplies being provided on site for firefighting purposes and the site being developed to accommodate access for fire fighting appliances.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objections to the proposed development and advise regarding the presence of their apparatus in the vicinity of the application site and safe working practices to be adopted when working in proximity to it.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for delivering strong, sustainable communities, through amongst other things, promoting residential and commercial development in locations which promote the roles of principal towns and key settlements.

Policy AW1 – sets out the supply of new housing which is in part to be achieved through the development of unallocated sites within defined settlement limits

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 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 NSA2 – promotes development in key settlements.

Policy NSA10 – requires a housing density of 30 dwellings per hectare in the northern strategy area.

Policy NSA12 – Sets criteria for the consideration of housing proposals within and adjoining settlement limits in the northern strategy area.

Supplementary Planning Guidance

- Design and Placemaking
- Design and Placemaking: Access, Circulation and 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 Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by chapter 2 people and places: Achieving Wellbeing Through Placemaking of the new policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 managing new development.

Chapter 3 strategic and spatial choices.

Chapter 4 active and social places

Other relevant guidance consulted

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development;

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:

In considering the determination of this planning application it is considered that the key issues are the principle of residential development, the impact of the proposals on the character and appearance of the area, the impact of the proposed development on residential amenity and privacy and the impact of the proposals for the local highway network and highway safety.

Principle of the proposed development

The application site is a windfall site, which straddles the settlement boundary as defined by the Local Development Plan. The proposed development satisfies housing density requirements that require a minimum density requirement of 30 dwellings per hectare achieving approximately 46 dwellings per hectare on a sloping site. The proposals satisfy amenity and access issues as required by policy and these are discussed in detail below as are the design merits of the proposals. Though the proposed development straddles the settlement limit it is considered acceptable in the context of policy NSA 12 as the adverse impacts of the proposals are minimal, and the scale form and design are acceptable within the context of the area (see below) and the site does not adversely affect a green wedge or any designation of importance.

Impact on the character and appearance of the area

The developable area of the site is confined to the western boundary by the topography of the site which is itself steep and the need to provide an appropriately designed access road makes the kind of arrangement proposed inevitable. The design of the proposed dwellings is simple in its form and reflects the traditional terraced properties of the locality whilst at the same time taking account of the topography of the site. The tiled roofs and rendered walls proposed as external finishes are acceptable as the wider area is characterised by a mix of finishes reflecting the varying age of the housing round about. As such the proposed development would be read as an acceptable variant on the wider whole of the area broadening the character and appearance of the locality and not harming it. As such the proposals are acceptable in respect of policies AW5 and AW6 insofar as they relate to this issue.

Impact on residential amenity and privacy

The application site is currently inaccessible and overgrown with scrub, self set trees. An appropriately designed development would have the potential to markedly improve a currently underused area of land. The nearest existing property to the proposed development would be no.32 Gorsedd street where the proposed development would be 5m from the boundary and 15m from the house itself. However, it is only blank gable wall of the proposed development that would face that property. The orientation and location of the proposed terrace is also such that its principal elevations would not otherwise overlook Gorsedd Street. The front elevation of the proposed terrace would face north east towards Cartref and would be 13m from its boundary and 28m from the house itself. There is also a difference in levels between the application site and Cartref of over 6m. Given the distances involved and the difference in levels between the proposed development and Cartref which means that the development would look over rather than overlook the existing property in any event the impacts on the privacy and amenity of that property are considered acceptable. The next nearest property would be 2 Beechwood Bungalows which would be some 19m from the northern end of the proposed terrace and this combines with a slight deflection to make the arrangement between the two acceptable in terms of amenity and privacy. A similar arrangement would exist

between the proposed development and three of the houses approved under application 11/1377.

Some residents have referred to the original layout showing a bin store to the rear of existing houses at Gorsedd Street. This the applicant was advised was unacceptable and it is no longer shown as part of the current proposals. However for the avoidance of doubt if Members are of a mind to support the current application then a condition requiring design and location of bin stores be established would be appropriate. Regarding the claim that the development of the site would lead to a loss of daylight to existing properties on Gorsedd Street, Members are advised that given the relationship between the two with the proposals located to the north of Gorsedd Street this would not be the case. Residents have also referred to increased noise and whilst this would be inevitable in the course of the development of the site the situation would be transient and could not form the basis of a reason for refusal of the planning application. Residents also object on the basis of additional noise that will result from the properties being occupied and that it would represent an increase over the current situation Members are advised that such a change would not form a sustainable reason for refusal.

Access and highway safety

Members will no doubt be aware that the access arrangements for the proposed development remain a key concern for local residents. However, following negotiation the applicants have now provided an access road to serve the development that the Councils Transportation Section regard as acceptable. Noting that in combination with the 5no. houses already consented to the access will serve 11no. dwellings in total, the proposed road would be designed and built to an adoptable standard comprising 5.5m carriageway and 2m footway with a full size turning area which is acceptable for safe and satisfactory access to the proposed houses. As now proposed the development would also maintain pedestrian access to the properties on Gorsedd Street. Though the submitted plan shows a build out from the proposed access road on to Gorsedd Street that would improve visibility at the junction, The Transportation Section take the view that given the low vehicular speeds and that traffic would amount to only established local traffic and that which would be generated by the approved developments, that the build out is unnecessary and that a condition requiring the provision of a 2.4m x 40 m vision splay would be sufficient.

Many residents have expressed concern that the development of the site would lead to a loss of on street car parking. Given congestion level in the area this concern is understandable. However, Members should note the comments in respect of the vision splays above which if implemented would mean that there would be no loss of on street car parking because of the development. Indeed, it might be argued that the creation of the new access road itself might improve capacity in this regard. In terms of the proposed development, each property will be provided with 2no. parking spaces which is considered adequate for the two bedroom houses proposed. An additional 2no visitor spaces will also be provided. The congestion in the local highway network has also brought comment from local residents and in this respect, the introduction of the one way system has helped the flow of traffic maintaining a running width for vehicular traffic.

Pedestrian access to the proposed site from the existing highway network is considered acceptable for safe pedestrian movement.

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.

Some residents have referred to the trees on the site and the natural ecology of the site. However, the site has no formal designation of any ecological value even at the local level in respect of its flora and fauna and no evidence is offered that it is of any significance.

Despite references to drainage capacity in the area by objectors to the proposals neither the Council's Flood Risk Management team nor Dwr Cymru/Welsh Water have raised any concerns in this regard.

The fact that previous applications on the site have been refused is only of marginal relevance as each application falls to be determined on its individual merit.

The application has been advertised in accordance with regulatory requirements.

Members are advised that issues raised by Public Health and Protection in relation to the conditions to be applied to any consent that might be issued relate to issues such as hours of operation , noise and dust suppression which are matters better dealt with by legislation other than the Town & Country Planning Acts and the grant of planning permission.

Non-planning Issues

Issues relating to disputes over land ownership or encroachment on to third party land lie outside the scope of Town & Country Planning legislation and therefore cannot inform a decision on a planning application.

Similarly if existing residents benefit from right of access to the allotments to the north of the application site then access arrangements through the course of development are a private matter.

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

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the building of new housing within and adjacent to the settlement boundary in the northern strategy area as defined by the plan. The layout and design now proposed represent an acceptable addition to the locality that is compliant with all other material planning considerations and as such support for the proposal is offered.

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 Section 92 of the Town and Country Planning Act 1990.

2. Unless as otherwise altered by conditions of this consent the permission is granted in respect of the following plans –

- Site plan drawing no. 50 Rev E
- Elevations drawing no. 54
- Ground floor plan drawing no. 51 Rev A
- First floor plan drawing no. 52 Rev A
- Second floor plan drawing no. 53 Rev A

Reason: For the avoidance of doubt as to the approved plans.

3. The consent hereby granted does not relate to the build out on to Gorsedd Street as shown on site plan drawing no. 50 Rev . Further details of the proposed junction with Gorsedd Street shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The agreed details shall be implemented prior to the first occupation of any dwelling hereby approved.

Reason: To further define the extent of the consent hereby granted.

4. Details of bin storage areas to serve the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling hereby approved.

Reason: In the interests of residential amenity and to accord with policy

AW5 of the Rhondda Cynon Taf Local development Plan.

5. 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.

6. 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.

7. Before any works start on site, existing and proposed levels (including relevant sections) 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.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Building operations shall not be commenced until samples of the external finish materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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.

9. No development shall take place until drainage arrangements have been

submitted to and approved in writing by the Local Planning Authority.

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 dwelling 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.

11. Notwithstanding the submitted plans other than for works of site clearance and preparation no works whatsoever shall commence on site until full engineering design and details of the road layout, traffic calming, footpath links, street lighting, surface water drainage, and highway structures including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the agreed details prior to the first occupation of any dwelling hereby approved.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

12. The vehicular access to the site shall be laid out constructed and retained thereafter with 2.4 by 40 metre vision splays with no obstruction or planting above 0.9m placed within the vision splay areas.

Reason: To ensure that adequate visibility is provided in the interests of highway safety.

13. Surface water runoff from the proposed development shall not discharge on to the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

14. No development shall take place including any works of site clearance until a construction method statement has been submitted to 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 safety and the free flow of traffic.
