



PLANNING & DEVELOPMENT COMMITTEE

21 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1112/10
(JE)

APPLICANT: Mr Talbot

DEVELOPMENT: Change of use of land from vacant to residential garden, including proposed triple garage with driveway and three parking spaces to serve the residential property as part of approved reserved matters reference 12/0006/16. (Amended Plans Received 07/02/19)

LOCATION: J TALBOT GROUNDWORK LTD PORTAKABIN,
NANT-Y-DALL AVENUE, RHYDYFELIN,
PONTYPRIDD, CF37 5LE

DATE REGISTERED: 16/10/2018

ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

REASONS: The proposal would result in a previously vacant parcel of land being used and maintained in association with an existing residential dwelling. The application is therefore considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of a parcel of land to form residential curtilage and the construction of a garage at J Talbot Groundwork Ltd, Nant-Y-Dall Avenue, Rhydyfelin.

The curtilage extension is irregular in shape and would measure a maximum width of 32 metres by a maximum depth of 39 metres and would adjoin the existing curtilage of the dwelling on its south east elevation.

The proposed garage would adjoin the approved dwelling (12/0006/16) on its North West elevation and would measure a maximum width of 12 metres by a depth of 6.3 metres. The proposed garage would have a hipped roof design measuring a 4.9 metres sloping to 2.3 metres on its front elevation. However due to the sloping nature of the area the garage would appear as two storeys on its rear elevation with a maximum height of 7.6 metres sloping to 5 metres at the eaves. On its lower level the proposed garage would accommodate two large storage rooms. On the ground level the proposed garage would accommodate three garages and a hallway which would provide access to the dwelling.

Also proposed is a new gated entrance to provide access from the Highway at Ymyl yr Afon with a large driveway proposed to provide additional off street parking spaces.

SITE APPRAISAL

The application site is an unused parcel of land measuring 1152m² located within the settlement boundary for Rhydyfelin. The site is located to the South of Nant-Y-Dall Avenue and is bounded on its west elevation by the curtilage of a residential property currently under construction which was granted under permission (12/0006/16). To the rear the site is the River Taff with the site sloping downwards towards the river. To the front of the site there is a large recently constructed residential development with the highway at Ymyl Yr Afon directly fronting the site. The area of land is currently enclosed by close boarded timber fencing with existing wooden gates providing informal access from Ymyl Yr Afon. At the time of the site visit the area which is proposed as residential curtilage had been levelled with hardcore and was used for storage in associated with the construction of the approved dwelling.

PLANNING HISTORY

The most recent planning applications on record associated with the site are:

05/0112/08	Land rear of Nant Y Dall Avenue, Rhydyfelin, Pontypridd.	Proposed residential development (outline)	Withdrawn 07/03/05
10/5226/32:	Gospel Hall to the rear of Shepherd Street, Pwllgwaun	Conversion	Permission Required 07/03/05
12/0006/16:	Land adjacent to 'Silverdale', end of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	One detached dwelling (approval of reserved matters - outline application reference	Grant 01/03/12

11/0027/15

13/0721/10	Land off Cardiff Road to the South of St Luke's Avenue, Rhydyfelin, Pontypridd,	Demolition of one existing dwelling (Fairholme) and redevelopment of the site to provide 53 dwellings with ancillary car parking, open space, access arrangements and landscaping (Amended Plans Received 25th September)	Grant 04/03/14
14/0620/10:	Land off Cardiff Road, Rhydyfelin, Pontypridd,	Redevelopment of the site to provide 70 dwellings with ancillary car parking, open space, access arrangements and landscaping (Revised layout received 23/12/14)	Grant 04/03/15
15/1537/39	Land off Cardiff Road, Rhydyfelin, Pontypridd	Amendment to private drive serving plots 31-34 to ensure that the plots have satisfactory vehicle access.	Grant 31/12/15
18/5058/41	Land south of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	Change of use of land from vacant to residential garden, including proposed triple garage with driveway and three parking spaces to serve the residential property as part of approved reserved matters reference 12/0006/16	Raise No Objection 06/06/18

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

4 letters of objection have been received from the occupiers of neighbouring properties. The points raised have been summarised below:

- Current state of lane at the rear of Nant Y Dall.
- Legal obligations to improve lane.

- Current appearance of site
- Obligations to upgrade lane on previous consent

CONSULTATION

Highways - no objection subject to conditions.

Natural Resources Wales - no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Rhydyfelin and isn't allocated for a specific purpose.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW4 – Details the criteria for planning obligations, including the community infrastructure levy (CIL).

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 permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

Policy SSA13 - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and 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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been 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 set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development.

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources).

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 5 (Reducing energy demand).

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting).

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 proposal relates to the change of use of an area of land to the south of Nant-Y-Dall Avenue from an unused parcel of land to domestic curtilage to be used in association with existing garden curtilage and for the construction of a domestic garage and new access. The land is located within the defined settlement boundary and immediately adjacent to the side boundary of the application property. As such, given its relationship to the property the principle of development is considered to be acceptable.

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:

Although it is acknowledged the proposed garage would form a large scale addition to the property, due the size of the approved dwelling and the substantial amenity space. The development is not considered to dominate the character and appearance of the property. With the scale and nature of the proposed garage leads to a development which is sympathetic to the overall layout of the site.

Whilst the curtilage extension would inevitably alter the current appearance of the site and would form a visible feature within the immediate locality, given the minor nature of the works, it is not considered that the curtilage extension would appear dominant within the wider locality. Furthermore due to the existing un-kept appearance of the site which was a concern raised by an objector, the development would significantly improve its current visual appearance.

As such, it is considered that the proposals will not detract from the character or appearance of the area.

Impact on residential amenity and privacy

In terms of the curtilage extension given the minor nature of the works, to incorporate the land within garden curtilage of the property, it is not considered that the development would conflict with the surrounding land uses or adversely affect the levels of amenity and privacy currently enjoyed by local residents.

Any impact upon residential amenity associated with the proposed garage would be greatest upon the neighbouring properties 61 & 63 Ymyl Yr Afon due to their proximity. Whilst the garage would form a visible addition given its single storey nature on this elevation, any impact upon residential amenity is not considered significant enough to warrant a refusal of the application.

On balance, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Highways

Access

Access to the proposed garage and driveway would be achieved via Ymyl Yr Afon. Ymyl Yr Afon has a carriageway width of 5.5m with 2.0m wide footways on each side. There are no parking restrictions in place on Ymyl yr Afon and the street is subject to a 30mph speed limit.

Ymyl Yr Afon is suitable as a means of access to the proposal, however the submitted plan titled "Site plan", drawing no. "HAW2017 – 02", gives cause for concern. The proposed driveway should be positioned centrally on the existing 5.5m carriageway (i.e. with 0.5m either side). Currently the eastern edge of the drive is aligned with the back edge of footway, which is considered unacceptable. Nevertheless, this issue can be overcome by a suitably worded planning condition, as suggested below.

The turning area shown on the site plan is sufficient to ensure that vehicles are able to enter and exit the site in a forward gear.

Parking

The proposed garage is sufficient in size to provide 3 off-street spaces. There are also 3 designated spaces in front of each garage door and further space available on the drive. As such, the proposed development gives no cause for concern with regard to off-street parking provision.

Potential for Dwelling

Given the size of the proposed garage, there is potential that the applicant or future occupier may seek to convert the proposed garage into a stand alone dwelling. As such, a suitably worded planning condition is suggested below.

Primary Access to Dwelling

The proposal also provided an amended primary means of access to the dwelling approved under reserved matters ref. 12/0006. The amended primary means of access is preferable to the existing approved means of access.

Whilst the objectors concerns regarding the existing state of repair of the lane at the rear of Nant Y Dall Avenue are acknowledged, as the lane is under private ownership and is not adopted it is not considered that these concerns are a material consideration in the determination of this planning application. In addition a condition of the previous consent (12/0006/16) would see improvements to this lane completed prior to beneficial occupation of the dwelling. It is also acknowledged that following the submission of amended plans the applicant has highlighted that this area of lane would be surfaced in line with the previous requirements to ensure no doubt that the lane would be completed. Whilst demands for a condition for a time limit on works to the lane are recognised as the lane would no longer form the primary access and is privately owned, it is not considered that a condition along these line would be reasonable.

The objector's comments that there are legal agreements between residents and the applicant to improve the lane are accepted. However any legal agreement would be a civil matter between the interested parties and would be a not material planning consideration.

Flooding

The application site falls within the defined C2 flood zone where there is potential for flooding to occur and should be considered as part of the development proposals. As such, the applicant has supplied a Flood Consequence Assessment in support of the application. Following consultation with Natural Resources Wales the following response was received:

The submitted FCA states that the Finished Floor Level (FFL) of the garage will be set at 45.9mAOD, which will be the same as the house. Therefore, the garage is predicted to be flood free during both the 1% (1 in 100 year) and 0.1% (1 in 1000 year) flood events. In consideration of the above and recognising that this is an application for a garage extension to a dwelling that has extant permission, we consider the risk to be acceptable.

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. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £8,011.21.

Conclusion

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

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 plan(s) no(s)

- 04-A – Received 07/02/19
- 05-01 – Received 05/10/18
- 05-02 – Received 05/10/18
- 06-01 – Received 01/10/18
- 06-02 – Received 05/10/18
- 06-03 – Received 05/10/18

and documents received by the Local Planning Authority on 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. Notwithstanding the approved plans, development shall not commence until details providing for the means of vehicular access to the proposed development, including a dedicated turning area, surfacing of the access in a permanent material and any gates to be installed, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to beneficial use.

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

4. The use of the garage hereby approved shall at all times be restricted to purposes ancillary and incidental to the dwelling approved under reserved matters (ref. 12/0006) and no trade or business shall be carried out therein nor conversion to a residential use.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users 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 connect to any highway drainage system unless as otherwise agreed by the Local Planning Authority.

Reason: To prevent surface water run-off from discharging into the public highway drainage system, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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