



## **PLANNING & DEVELOPMENT COMMITTEE**

**23 JANUARY 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 15/1640/10 (KL)  
**APPLICANT:** Mr Roach  
**DEVELOPMENT:** Erection of a bungalow on land adjacent to No 40 Ardwyn Terrace, Gelli (Amended plans received 24/10/19) .  
**LOCATION:** LAND ADJACENT TO 40, ARDWYN TERRACE, GELLI  
**DATE REGISTERED:** 24/10/2019  
**ELECTORAL DIVISION:** Ystrad

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#### **RECOMMENDATION: Approve**

**REASONS:** The application site is located in a sustainable location and within an area that is predominantly characterised by residential properties. The site is currently vacant and un-maintained and its development for residential purposes is therefore considered to be acceptable.

The proposed dwelling is of an acceptable scale and design which would not detract from the character and appearance of the surrounding area and a sufficient distance and an existing fence line at the boundary would be maintained to ensure that the dwelling would not have a detrimental impact on the amenity and privacy of surrounding properties. Finally, whilst the proposal would remove the possibility for residents to turn their vehicles and exit the street in a forward gear, the site is in private ownership and could essentially be fenced off to prevent turning in any case. As such, the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- A request has been received from Councillor Lorraine Jones for the matter to come to Committee in order for Members to consider the impact of the proposal on highway safety;

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of a single dwelling (bungalow) on a vacant parcel of land adjacent to no. 40 Ardwyn Terrace, Gelli.

The proposed dwelling would be sited towards the most north-eastern corner of the plot and in line with the existing line of properties along the southern side of the road. It would measure 7.9 metres in width by 11.6 metres in depth with a pitched roof design that would measure a maximum of 5.1 metres in height to the ridge and 3.2 metres in height to the eaves. Due to the sloping nature of the site, this would be reduced to 4.5 metres and 2.5 metres at the rear respectively. It is proposed that the dwelling be finished with render, concrete roof tiles and uPVC windows and doors.

Internally, the dwelling would comprise of a living room, kitchen, bathroom and two bedrooms. Two off-street parking spaces would be located to the north-western side of the property with access directly off Ardwyn Terrace to the north-east. Private amenity space would be provided at the front and rear of the dwelling.

The proposal also includes the continuation of the existing 1.8 metre wide pedestrian footway along the front of the site.

## **SITE APPRAISAL**

The application site relates to a vacant parcel of land that is located towards the north-western end of Ardwyn Terrace, Gelli. Being of an irregular shape and measuring approximately 320 square metres, the site is bound by the road at Ardwyn Terrace to the north-east, the road at Rock Drive to the south-west and the curtilage of residential properties to the south-east (no. 40 Ardwyn Terrace) and north-west (no. 9 Gelli Fron). Due to differences in ground level in the area, the site slopes upwards in a south-westerly direction, resulting in Rock Drive being at a notably higher ground level, no. 40 Ardwyn Terrace being located at a slightly higher ground level and no. 9 Gelli Fron being located at a slightly lower ground level.

The surrounding area is predominantly characterised by residential properties with those in Ardwyn Terrace being of a traditional, two-storey terrace design. No. 9 Gelli Fron, which is located immediately to the north-west of the site, is of a more modern construction and single storey. Whilst it forms part of an adjacent street, it benefits from a vehicular entrance adjacent to the site, off Ardwyn Terrace.

## **PLANNING HISTORY**

None within the last 10 years.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification to 7 neighbouring properties and through the erection of site notices in the vicinity of the site. Two letters of objection have been received in relation to the proposal and are summarised below:

- Concern with regard to the space available to turn our cars;
- Some people already park their cars on this site with no thought for other road users;
- Ardwyn Terrace is already congested with parked cars;
- Should the proposed dwelling have a drive then this would cause a problem with even less room to park;
- There is only one entrance to the street and we have had to reverse quite considerable lengths on a number of occasions. This is far from ideal and dangerous;
- The proposed development would have a serious impact on our standards of living;
- The proposed site of development is at such a height that the primary amenity area of our garden and kitchen and rear bedroom windows would be severely overlooked from the living room window and front door;
- There is a question over the ownership of part of the land;
- The proposed development is a direct contravention of RCTCBC's planning policies;
- The development does not afford adequate privacy, particularly with regard to the quiet enjoyment of our garden;
- The Human Rights Act Protocol 1, Article 1 states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land;
- The proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property;
- Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life;
- We are not totally against the proposal and suggest that the Council reassess the application to remove the living room window from the western elevation and to reposition the front door and bathroom.

Following the submission of additional plans (cross sections and existing and proposed site layout plans) and documents (amended ownership certificates and evidence of advertisement in the local press), further consultation was undertaken with local residents. Two further letters of objection have been received from the authors of the original letters received however, these raise the same points as summarised above.

## **CONSULTATION**

**Countryside, Landscape & Ecology** – No objection or condition suggested

**Flood Risk Management** – No comments received at the time of writing the report. Any comments received will therefore be reported orally at the Committee.

**Highways and Transportation** – No objection, subject to conditions

**Public Health and Protection** – No objection, subject to conditions

**Wales and West Utilities** – advises that WWU has pipes in the area and that their apparatus may be affected and at risk during construction. The developer is advised to contact WWU directly prior to any works commencing on site. Should diversion works be required these will be fully chargeable.

**Western Power** – No comments received

**Welsh Water** – No objection, subject to conditions and advisory notes

## **POLICY CONTEXT**

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

The following policies are considered to be relevant to the application:

**Policy CS1** - the emphasis is on sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy AW1** – outlines how the housing land requirement will be met.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW4** – details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**Policy NSA12** – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

### **Supplementary Planning Guidance**

Design and Placemaking  
Access Circulation and Parking  
Planning Obligations

### **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 policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 2 achieving wellbeing through placemaking  
Chapter 3 strategic and spatial choices.  
Chapter 4 active and social places  
Chapter 6 distinctive and natural places.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

The application proposes the construction of a single residential dwelling on a parcel of land that is located within an established residential area and inside the defined settlement boundary. As such, it is considered that the key considerations in the determination of any planning application will be whether the principle of residential development at the application site is acceptable in

the first instance, and if so, whether the site is capable of accommodating the proposed dwelling, associated means of access/parking/turning facilities and sufficient amenity space without resulting in a detrimental impact upon the amenity and privacy of neighbouring properties; the character and appearance of the surrounding area; and highway safety in the vicinity of the site.

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

In the assessment of any application for residential development, the first consideration must be the location of the site in planning policy terms. In the case of this proposal, the application site is located inside the defined settlement boundary and within an established residential area and so the residential use of the site would not conflict with surrounding uses. The site is also accessible by a range of sustainable transport options and has good access to key services and facilities. The site is therefore considered to be in a sustainable location, as defined Policy AW2 of the Rhondda Cynon Taf Local Development, and the proposal would therefore comply with this policy. It would also comply with Policies AW1 and NSA12 which both support development within the defined settlement boundaries.

As such, the principle of developing the site for residential purposes is considered to be acceptable, subject to an assessment of the criteria set out below.

### **Visual Impact**

The site represents the construction of a dwelling on a vacant parcel of land that is largely un-maintained. As such, the redevelopment of the site would offer some benefits in this regard.

The proposed dwelling would be situated towards the north-eastern part of plot and broadly in line with the existing terrace of properties along the southern side of the road. Whilst the majority of properties in the vicinity of the site are predominantly two-storey in scale, the property immediately to the north-west (no. 9 Gelli Fron) is single storey and it is therefore not considered that the proposed dwelling would result in a harmful impact upon the character and appearance of the street scene or the wider area.

As such, the application would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Residential amenity**

The application site sits between two existing residential properties; no. 40 Ardwyn Terrace to the south-east and no. 9 Gelli Fron to the north-west. It is therefore noted that a new dwelling in this location would have some impact on the residents of those two properties. However, given the position of the dwelling and its single storey height, it is not considered that it would have

such a significant impact on the amenity and privacy of neighbouring properties that it would warrant the refusal of the application.

Being sited immediately adjacent to the side elevation of no. 40 Ardwyn Terrace, the proposed dwelling would not give rise to any overbearing or overshadowing impact that would unacceptably harm the amenity of that property. Furthermore, the two windows that would be positioned within the south-eastern side elevation of the proposed dwelling and would not result in the loss of any privacy.

It is noted that the application site sits on a slope which results in the rear of the site being at a higher ground level to the road at Ardwyn Terrace. It is also noted that the adjacent bungalow, no. 9 Gelli Fron, is at a slightly lower ground level. Whilst there is potential for the development to have some impact on no. 9 Gelli Fron, the proposed dwelling would essentially be cut into the slope which would limit its overall impact. The plans submitted with the application indicate that the proposed dwelling would be approximately 1.3 metres greater in height than the adjacent bungalow at its closest point (at the north-western corner) and this, along with the distance between the proposed dwelling and no. 9 (approximately 10 metres), would reduce any potential overbearing and overshadowing impact to an acceptable level. Furthermore, there is an existing boundary fence at the boundary with no. 9 that increases in height with the slope of the land immediately below it which would provide an adequate screen and limit any potential for an unacceptable level of overlooking to occur. As such, the proposal complies with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect and it is therefore not considered that the objectives of the Human Rights Act 1998 have been contravened.

It is noted that an objector suggests that the proposal be amended to remove the window and door from the side elevation to remove any potential overlooking opportunities however, for the reasons set out above, it is not considered that the proposal would give rise to significant levels of overlooking. It is therefore not considered necessary to request amendments to the scheme or impose any conditions in this regard.

### **Access and highway safety**

One letter of objection has been received from a local resident which raises concern with regard to the impact of the proposal on highway safety in that the site is currently used by residents to turn their vehicles so that they can exit the street in a forward gear. The Council's Highways and Transportation section have raised some concern in this regard, stating that the removal of the turning area, albeit informal, would result in vehicles reversing a considerable distance to turn and/or exit Ardwyn Terrace. However, the application site is in private ownership and could potentially be fenced off by the landowner to prevent residents from using it as a turning area regardless of the outcome of this application. Furthermore, the land is not subject to a covenant for a turning area to be provided and, as such, the application is considered to be acceptable in this regard.

The Highways Section also comments that the proposed development is served by existing 1.9m wide footways, although this does not extend along the site frontage. The developer has proposed to set the site boundary back to provide a 1.8m wide footway/vehicular cross-over which would be acceptable and a condition has been recommended accordingly (condition 4 refers).

The proposed bungalow requires up-to a maximum of 2 off-street parking spaces and, with two off-street spaces proposed, is considered acceptable. However, it is noted that there is a Western Power Column located to the front of the proposed parking spaces which will obstruct access of the spaces. A condition has therefore been recommended to secure the re-siting of the column (condition 7 refers).

Taking the comments received from the Highways Section into consideration, the proposal would not have a significant impact on highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

#### **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.

#### **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 application site has also been identified as being within 250m of a landfill site and the Public Health & Protection Section considers that there is potential for contamination to exist on site. As such, standard contaminated land/site investigations conditions are recommended (conditions 8, 9 & 10 refer).

#### **Flood Risk Management**

No comments had been received at the time of writing the report. Therefore, any comments received will be presented orally at the meeting. The standard drainage conditions are recommended in any case.

#### **Other issues raised by objectors**

One objector raises a question over the ownership of a small section of the application site. Following discussions with the applicant, it was established that a section of the site that lies adjacent to no. 9 Gelli Fron is not in the applicant's control. Searches were subsequently carried out at Land Registry and an advert placed in the local press in order to determine the ownership of the land. However, these attempts were both unsuccessful in establishing the landowner. As such, the application was amended to include Certificate D of the ownership certificates, which is sufficient to proceed with the application. Any issues that could arise as a result of the construction of the proposed dwelling on land outside of the applicant's control would be a private matter.

A number of residents have made reference to various other bodies of legislation, legal guidance and accepted conventions claiming that allowing the proposals would be contrary to their requirements. The legislation and documents cited are as follows –

- The Human Rights Act 1998

The planning system by its very nature respects all legislation that influences it and the rights of the individual and child whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal will have on individuals, including children, and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise the Council will of course wish to be satisfied that it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

### **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 site is located inside the defined settlement boundary and within an established residential area. The principle of the proposal is therefore considered to be acceptable. Furthermore, the proposed dwelling would be of an acceptable scale and design and would not detract from the character and appearance of the surrounding or have a detrimental impact on the amenity and privacy of surrounding properties. Finally, whilst the proposal would remove the possibility for residents to turn their vehicles and exit the street in a forward gear, the site is in private ownership and could essentially be fenced off to prevent turning in any case. As such, the proposal is

considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

### **RECOMMENDATION: GRANT**

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 and documents received by the Local Planning Authority on 24<sup>th</sup> December 2016 & 5<sup>th</sup> November 2019, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Proposed Site Location Plan, Proposed Elevation Plans & Proposed Floor Plans (Rec. 24<sup>th</sup> December 2016);
- Proposed Site Layout Plan (Rec. 5<sup>th</sup> November 2019);
- Proposed Cross-sections (Rec. 5<sup>th</sup> November 2019).

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 dated 24<sup>th</sup> October 2019 and approved by the Local Planning Authority. The car parking shall remain for use of the dwelling thereafter.

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

4. The site boundary fronting Ardwyn Terrace shall be set back from the edge of the existing carriageway to provide for a 1.8 metres wide footway / vehicular crossover, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to development being brought into beneficial occupation.

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

5. 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: the interests of highway and pedestrian safety and to ensure that mud and debris are not deposited onto the public highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. HGV's used during construction 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, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The street lamp column / Western Power Distribution pole affected by the proposed car parking shall be relocated in a position to be agreed in writing by the Local Planning Authority and statutory undertakers prior to any works commencing on site.

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

8. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted 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 Local Planning Authority 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.

9. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme 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

10. 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

11. Prior to the commencement of the development hereby approved, the developer shall submit to the Local Authority details of all retaining walls to be built as part of the development, including drawings and structural calculations. The submitted details shall be accompanied by a certificate from an appropriately accredited independent consulting engineer confirming that the proposed retaining wall(s) are acceptable from a structural perspective. The approved retaining wall(s) shall be built in accordance with the agreed details. Following construction of the retaining wall(s), additional certification from an independent suitably accredited engineer confirming that the works have been constructed in accordance with the agreed details and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority.

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

12. Building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished in accordance with the approved details.

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

13. No development shall take place until there has been submitted to and

approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

14. No development shall take place until full drainage details 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.

15. The dwelling hereby approved shall not 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.