

**APPLICATION NO:** 16/1125/13 (HW)  
**APPLICANT:** Mr Phillip Sweet  
**DEVELOPMENT:** Construction of two storey detached dwelling (re-submission of application ref. 16/0074/13).  
**LOCATION:** LAND TO REAR OF TIRFOUNDER ROAD,  
CWMBACH, ABERDARE, CF44  
**DATE REGISTERED:** 31/10/2016  
**ELECTORAL DIVISION:** Cwmbach

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**RECOMMENDATION:** Approve

**REASONS:** This is a resubmission of a previous outline planning application for two houses that was refused. This application proposes one house. It is considered that this overcomes the concerns raised regarding the over development of the site previously. In addition, Highways Development Control are satisfied with the impact on highway safety, subject to conditions.

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

This is required to be reported to the Committee as three objection letters have been received.

#### **APPLICATION DETAILS**

Outline planning permission, with access applied for as part of this application, is sought for the development of the site for one large detached dwelling house. The house would be between 13 metres and 15 metres wide and between 10 metres and 12 metres deep. It would be between 8.0 metres and 9.0 metres high. The applicant has submitted indicative side and front elevations showing a double fronted house with a hipped roof design, and has said that only non habitable room windows will be placed in the south side elevation.

The site will be accessed from an existing access track adjoining Tirfounder Road. An existing garage will remain on the site, and parking and turning will be provided in front of the proposed house.

#### **SITE APPRAISAL**

The existing site is a rectangular greenfield site in the settlement boundary, measuring 0.08 hectares in size. There is a mature tree at the rear of the site and a garage on site. It is understood that the site was last used for grazing horses.

The site sits behind nos. 6, 6a and 7 Tirfounder Road, and is accessed via an existing track between nos. 7 and 8 Tirfounder Road. Nos. 5 and 6 Ffordd Lletty Shenkin are to adjacent to the southern side boundary and a creche is to the northern side, with a stream and trees between the two. Garages and a parking area in Glas y Gors are immediately behind the site.

## PLANNING HISTORY

The relevant planning history is considered to be as follows:

16/0074	Two detached houses.	Permission refused 06/04/2016.
06/0410	Garage.	Permission granted 17/05/2006.

## PUBLICITY

The application has been advertised by means of a site notice and by direct neighbour notification letters. Three objections have been received, which are summarised as follows:

- Concern regarding the adequacy of the access;
- The access is too narrow for service/construction vehicles;
- Noise due to vehicles using the access road;
- Parked cars to either side many result in accidents;
- Loss of privacy;
- Impact on stream on boundary;
- Land should remain green.

## CONSULTATION

Highways Development Control - no objection raised, subject to conditions.

Countryside - no objection raised, subject to a condition to protect the tree roots during construction.

Public Health and Protection - no objection raised, subject to a condition on hours of construction.

Land Reclamation and Engineering - no comment to make.

Dwr Cymru/Welsh Water - no objection raised, subject to a condition in respect of surface water drainage.

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan (LDP)

The site is unallocated and within the settlement boundary.

Policy AW5- New Development

## **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 9- Housing**

## **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.

Although the site is unallocated for development, it is in the settlement boundary. While the site is surrounded by development on all sides and does not have a street frontage, it is a relatively spacious site with a direct access on to the street. Therefore, the development of the site for a house is considered acceptable in principle.

It is noted that planning permission was refused for two dwellings on the site last year. Concern was raised regarding the impact on neighbour amenity and regarding the adequacy of the access. These are therefore considered to be the key issues in determining this application.

Concern was also raised previously regarding the loss of the mature tree on the site. However, it is proposed to be kept as part of this application.

In respect of neighbour amenity, the proposed house is considered to be far enough away from houses in Tirfounder Road to have an acceptable impact on their amenity. The dwelling will be approximately 40 metres away from the rear of the houses in Tirfounder Road at the nearest point and 14 metres away from the rear of their gardens.

The house is, however, close to the rear of nos. 5 and 6 Ffordd Lletty Shenkin. These two recently built houses have been constructed very close to the boundary with this site, being 2 metres away at the nearest point. There is proposed to be approximately 10 metres between the proposed house and these properties. It is considered that depending on the eventual design of the house, this would have an acceptable impact on privacy of nos. 5 and 6 Ffordd Lletty Shenkin as the house could be constructed with non-habitable room windows only on the side. In respect of a potential overbearing impact, it is noted that the applicant has suggested a roof hipped away from these properties. It is considered that given this and the proposed 10 metre distance, on balance a house on this footprint would not be unacceptably overbearing on these properties.

In respect of access and highway safety, the applicant has proposed some alterations to the existing access by adding rumble strips. A turning area will also be provided. It is considered that these and the reduction to one house overcomes the previous highways reason for refusal.

## **OTHER ISSUES**

It is not considered the proposal would significantly impact on the stream on the northern boundary of the site.

### Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for residential development is 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**

Given the above, it is recommended that planning permission is granted.

### **RECOMMENDATION Approve subject to the following conditions:**

1. (a) Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with

the approved location, layout and access plans and documents received by the Local Planning Authority on 18th October 2016 and 22nd December 2016, 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. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. 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.

5. 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.

6. The access shall be laid out in accordance with the approved plans prior to the beneficial occupation of the dwelling.

Reason: To facilitate safe access and egress from the proposed development in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No HGV deliveries during the site preparation and construction period shall take place between the hours of 08:00-0:900 and 15:00-16:00 Monday to Friday.

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.

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