



## **PLANNING & DEVELOPMENT COMMITTEE**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0110/15 (GH)  
**APPLICANT:** Mr D James  
**DEVELOPMENT:** Variation of condition 2 amendments to approved plans (previous app 15/1007/10) to reposition house and driveway. (CMRA received 7th March 2020)  
**LOCATION:** LAND ADJACENT 22 JESTYN STREET, PORTH, CF39 0DN  
**DATE REGISTERED:** 07/03/2020  
**ELECTORAL DIVISION:** Porth

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

#### **REASONS:**

The revised position of the dwelling, to relocate the vehicular access to its eastern side, would be acceptable and neither detrimental to the character or appearance of the site and surrounding area, to the amenity of nearby residents, or highway safety. The development would therefore be in accordance with Policies AW5, AW6, AW8 and AW10 of the Local Development Plan.

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

A request has been received from Councillor Julie Williams for the matter to come to Committee for the reason that the revised access to the site will inhibit both the access to other properties and the turning of vehicles in the street.

#### **APPLICATION DETAILS**

Permission is sought to vary condition 2 of planning permission 15/1007/10 to enable a revision to the scope of the scheme.

The extant consent permits the construction of a new four bedroom dwelling on a parcel of land at the end of Jestyn Street. The dwelling would have been positioned centrally within the site to enable a crossover and driveway to be laid between its eastern side elevation and the boundary with the neighbouring house no.22.

However, in order to simplify construction and manage the southerly fall in level, the applicant seeks to reposition the house towards the eastern boundary and have the driveway and vehicular access to the west.

The design and dimensions of the house would remain as per the extant approval and have an L-shaped footprint to a width of 9.3m and maximum depth of 10.6m. The house would also be very slightly higher in the plot such that the ridge of the twin-pitch roof, with rear facing gable, would be almost at the same height as no.22.

Furthermore, on account of the driveway being located to the opposite side, the repositioning of the house towards the east would result in a gap of 1.2m being left between the side of the new dwelling and the boundary. The front boundary wall, of natural stone, with stone piers and topped with railings, would therefore extend across the front of the house since there would be no need to leave space for pedestrian or vehicular access at this point.

The accommodation would be arranged over two floors and comprise a lounge, kitchen/diner, study and utility to the ground floor, with four bedrooms, a bathroom and en-suite above. In addition to a small garden area and two off-street parking spaces, the previously approved retaining wall to the rear would be unaltered.

In respect of external finishes the principal elevation would be of reconstituted stonework, with render to the sides and rear. Further detail would include stone cills and brick reveals, whilst the roof would be enclosed by tiles of reconstituted slate.

The application has been accompanied by a Coal Mining Risk Assessment.

## **SITE APPRAISAL**

The application site is a vacant, almost square, plot located within the settlement boundary to the northern side of Porth.

The site is set on the northern side of Jestyn Street, on land that previously accommodated a terrace of Victorian dwellings, most of which were demolished some time in the later 20<sup>th</sup> century.

It was noted during the site visit that the topography of the site is steep, and the significant drop in level from the north-west to the south-east is evidenced by a fall of almost 9m across the site from the rear to the front.

Most of the neighbouring properties are located on the southern side of Jestyn Street and at Troedyrhiw Road to the north, and comprise older terraces, although there is a more recently-built large detached house, Tŷ Ni, at the western end of Jestyn Street.

## **PLANNING HISTORY**

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

**19/1241/15:** Variation of condition 2 of planning consent 15/1007/10 to reposition house within plot. Decision: 10/12/2019, Withdrawn by Applicant

- 19/0274/38:** Discharge of conditions: 3 (Materials), 4 (Boundary Treatment), 5 (Drainage), 6 (Structural Calculations), 8 (Traffic Management & Wheel Washing), 10 (Wildlife Protection Plan) of planning consent 15/1007/10. Decision: 16/05/2019, Grant.
- 15/1007/10:** Erection of a detached dwelling with off street parking. Decision: 16/08/2016, Grant.
- 07/1859/10:** 3 No detached houses, site access road and provision of turning facility. Decision: 11/02/2008, Refuse.

## **PUBLICITY**

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

No written objections or letters of representation have been received.

## **CONSULTATION**

### **Public Health and Protection**

No objections

### **Highways**

No objection, subject to a conditions and informative notes.

### **Coal Authority**

The response of the Coal Authority will be reported to Members at the Committee meeting.

### **Countryside - Ecologist**

There may be some reptile habitat left on the site, so the condition from the previous consent should be carried over.

### **Dwr Cymru Welsh Water**

No objection to and it is asked that any drainage conditions on the original consent are brought forward.

### **Western Power Distribution**

If a new connection or a service alteration is required they will need to make a separate application to WPD.

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

## **POLICY CONTEXT**

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

The application site lies outside of the settlement boundary for Porth

**Policy CS1** - promotes developments which will support principal towns and key settlements

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

**Policy AW2** - promotes development in sustainable locations

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

**Policy AW10** - does not support development where unmitigated environmental, public health or amenity risks are present.

**Policy NSA2** - sets out the criteria for development within the Key Settlement of Porth.

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

### **Supplementary Planning Guidance:**

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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) 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 1 (Managing New Development)  
Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)  
Chapter 4 (Active and Social Places)

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 previous application was whether the principle of residential development would be acceptable upon the site, noting that the proposed dwelling would be constructed on a parcel of land that is located inside the defined settlement boundary for Porth and was previously developed.

It was determined that the proposed dwelling would comply with Local Development Plan Policy AW1, which establishes that the delivery of new housing may be supplied, in part, by the use of unallocated sites within the defined settlement boundary; and would also comply with Policy NSA12 which presumes in favour of development within settlement boundaries, subject to certain criteria.

The principle of the development remains acceptable, since the material considerations with regard to the national and local policy framework have not changed. However, the proposed revisions, in terms of the street scene, the amenity of neighbouring occupiers and the site access, are discussed within the body of the report below.

#### **Character and appearance of the area**

The application site is located in a residential street which has a single point of access and thus is not a through route. The southern side of the street is characterised by traditional Victorian terraced dwellings, whereas the northern side, where some previous development has long since been demolished, accommodates two detached and a pair of semi-detached dwellings.

The proposed new property, for which consent already exists and the variation is now sought, would have a simple two-storey design with decorative brick detailing around

the reveals. It would be elevated above the street in a similar position to the neighbouring house which is located next to the eastern boundary of the site.

In this case although it is considered that the property is of an acceptable design and scale in terms of its street frontage and is sympathetic in form to the surrounding development, the matter at hand is whether the proposed repositioning would be harmful to the street scene.

Having taken account of the small degree of change, and comparing the layout of the site both as permitted and as proposed, no harm can be identified from the change. Therefore it is considered that there would be no adverse impact to the street scene.

### **Impact on neighbouring occupiers**

In relation to residential amenity, it is not considered that relocation of the dwelling would have any additional impact over and above that which would be caused by the existing planning permission.

Although the new dwelling would be much closer to no.22, it would not project beyond the principal or rear elevation of the neighbouring house, and it was noted during the site visit that there are no windows or doors in the side elevation facing the development site.

In respect of other dwellings in Jestyn Street, the new property would have the same relationship with the terraced houses on the opposite side of the road, and would be further away from Tŷ Ni to the west.

Accordingly, the variation of condition would not affect the amenity of neighbouring residents to any greater degree than that of development already approved.

### **Highway safety and access**

The Highways and Transportation Section has noted that Jestyn Street is sub-standard in terms of its highway geometry and there is no turning facility to enable emergency service and delivery vehicles to turn and access/egress in forward gear, which is of concern.

However, the proposal is for one dwelling which will slightly increase the traffic volumes using Jestyn Street by an estimated ten trips per day. This it is not considered to be so significant to insist on a turning area for all vehicles to be able to enter and leave Jestyn Street in forward gear, particularly since the developer is not in control of the land required to provide this.

Similarly, although there is a right angled bend at the entrance to Jestyn Street the traffic generated by one dwelling would not warrant a highway objection, and the continuous 2m wide pedestrian links leading to the site are satisfactory for safe access.

With regard to off-street parking provision, the Council's SPG for Access, Circulation & Parking 2011 identifies a maximum of three parking spaces would be required. The

proposal provides for two off-street spaces which are acceptable given the sustainable location close to local amenities and bus stops located on Cemetery Road.

Due to the close proximity of the comprehensive school and the sub-standard nature of Jestyn Street and absence of turning area, a condition has been suggested limiting delivery times by construction traffic to that when street space is at its most available and outside the peak hours of residents using Jestyn Street.

Consequently, whilst concerns remain regarding the sub-standard highway, lack of turning area and the 90° bend accessing Jestyn Street, the limited traffic generated by one dwelling and the extant permission 15/1007/10 has been taken into account and on balance the proposal is considered 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 however, the application site 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**

Having taken account of all of the issues outlined above and in light of the planning history of the site, the application proposal is considered acceptable. Therefore, the proposal is recommended for approval, subject to the conditions specified.

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

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 hdw/ph/dj.001b, hdw/ph/dj.002a and hdw/ph/dj.003a, and documents received by the Local Planning Authority on 31<sup>st</sup> January 2020, 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. The development shall be carried out in accordance with the details previously submitted, and approved, in respect of the discharge of Conditions 3 (Materials), 5 (Drainage), 6 (Structural Calculations), 8 (Traffic

Management & Wheel Washing) and 10 (Wildlife Protection Plan) of planning consent 15/1007/10.

Reason: In the interests of visual amenity, ecology, highway and public safety, in accordance with Policies AW5, AW6, AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into beneficial use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan hdw/ph/dj.002a as approved by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the dwelling and remain in perpetuity for the parking and turning of vehicles thereafter.

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

5. HGV's used as part of the construction phase shall be restricted to 09:30am to 16:30pm weekdays, with no deliveries on Weekends 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.

6. Before the development is brought into use the en-suite and bathroom windows in the first floor eastern (side) elevation shall be fitted with obscure glass to an industry standard of privacy level three or above. The windows shall be retained as such thereafter.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Before the development is brought into use the drainage works shall be 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.