

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

5 DECEMBER 2013

**JOINT REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES AND THE
SERVICE DIRECTOR, PLANNING**

Agenda Item No.4(2)

**SITE MEETING
APPLICATION NO. 13/0458 –
CONSTRUCTION OF A TWO STOREY
BUILDING TO FORM TWO SELF
CONTAINED FLATS – LAND ADJACENT
TO 13 OLD PARK TERRACE,
TREForest, PONTYPRIDD**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services
Mr.G.Watkins, Planning Officer

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.123(2) (Development Control Committee, 7 November 2013) a site inspection was undertaken on Monday, 18 November 2013 to consider the impact of the proposal on the area and highways issues.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Member, County Borough Councillor S.Powderhill.

- 3.3 The application site was inspected and the Development Control Officer reported that full planning permission was sought for the construction of a two-storey building for two self-contained flats. Planning permission was previously granted for a 4 bedroom dwelling on the site (now expired) and the new proposal was for a similar size and design of building with two flats to be served by a similar access and parking arrangements to the previous permission.
- 3.4 Vehicular means of access to the site would be from Old/New Park Terrace and three car parking spaces were illustrated on the site layout. The application also involved the erection of a 1.2m high stone wall along the side property boundary adjacent to Bell Vue Terrace.
- 3.5 The Development Control Officer stated that a letter objecting to the proposed development had been received from a resident of Belle View Terrace on the grounds of overshadowing and increased traffic.
- 3.6 The Transportation Officer confirmed no objection to the proposal subject to conditions requiring the setting back of site boundary abutting Old Park Terrace and New Park Terrace to provide a visibility splay of 2.4m, parking areas to be constructed of permanent materials, the vehicular crossovers details, surface water run off not discharging on to the public highway, details and design calculations of retaining walls and provision of traffic management and wheel washing facilities.
- 3.7 On receiving the views of the Officers, the Local Member stated that whilst the principle of residential development on the site would be considered acceptable, he felt that current application was totally different to the one that had been previously approved for a 4 bedroom house and the new proposal would impact upon the community owing to the type of building proposed as there was potential for it would become another property in multiple occupation in an area already saturated with such accommodation and suffering from on-street parking problems.
- 3.8 The Local Member also queried the existence of an underground culvert or storm drain running through the site as to date, he had been unable to confirm its existence one way or another.
- 3.9 The Development Control Officer was asked to report back to the Development Control Committee on the issue raised regarding a possible underground culvert/drain prior to the application being determined.

4. UPDATED REPORT

- 4.1 In response to the Local Members query with regard an underground culvert or storm drain passing through the site, the information provided

from Dwr Cymru/Welsh Water details that a public sewer passes through the site. The Council's Land Reclamation and Engineering Section however, do not have any records of other assets passing through the site.

- 4.2 Dwr Cymru/Welsh Water does not object to the application, subject to a condition preventing building works within 3m of the centreline of this pipe, as in the previous permission (07/1233). From the drainage plan provided the proposed dwelling appears to be sited within this distance and it appears unlikely that the site could be redeveloped, without a building being in close proximity to this pipe. As utility infrastructure is protected by separate legislation, it would be a matter between the applicant and Dwr Cymru/Welsh Water. As such, it is considered that the presence of this pipe does not represent reasonable grounds for refusal.
- 4.3 With regard the presence of any other pipes, no information has been provided by the source to substantiate the claim. Taking this and the comments from Dwr Cymru/Welsh Water and the Council's Land Reclamation and Engineering Section it would be unreasonable to refuse the application on these grounds.

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APPENDIX 1

APPLICATION NO: 13/0458/10 (GW)
APPLICANT: Superlet
DEVELOPMENT: Construction of a two storey building to form two self contained flats.
LOCATION: LAND ADJACENT TO 13 OLD PARK TERRACE, TREFOREST, PONTYPRIDD, CF37 1
DATE REGISTERED: 28/05/2013
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve

REASONS:

The development is a similar size and design of building to that previously approved on the site and is located within the settlement boundary. This proposal for two flats would not result in a significantly different impact on residential amenity or on highway safety than that previously approved.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two-storey building for two self-contained flats. Previously planning permission (07/1233) was granted for a 4-bedroom dwelling on the site. The new proposal is for a similar size and design of building with two flats and which is to be served by a similar access and parking arrangement to the previous permission.

The building would have a ridge and eaves height of 6.4m and 4.8m respectively. The building is to be constructed below existing ground levels, with an eaves and ridge height above the road level of Old/New Park Terrace of 5.0m and 3.4m respectively. The dwelling measures 5.6m in width and 11.2m in length. The proposed external materials are white render with slate roofing. Access for both flats is to be provided from the side elevation facing Belle Vue Terrace.

Vehicular means of access to the site is to be provided from Old/New Park Terrace and three car parking spaces are illustrated on the proposed site layout. These parking spaces are to be provided at existing ground levels.

The application also involves the erection of a 1.2m high stone wall along the side property boundary adjacent to Belle Vue Terrace.

The application is accompanied by the following:

- Design and Access Statement.
- Sustainable Buildings Report.

SITE APPRAISAL

The site is situated adjacent to the junction between Old Park Terrace, New Park Terrace, Duke Street and Belle Vue Terrace, within the settlement boundary of Treforest. The site adjoins the southern boundary for the Treforest Conservation Area. The site adjoins Old/New Park Terrace to the east and Belle Vue Terrace to the south. Old/New Park Terrace is a one way street with traffic travelling in a southerly direction.

The site has a road frontage along Old/New Park Terrace of 9.0m and 30.0m along Belle Vue Terrace. The site is at the same ground level as Old/New Park Terrace, and above surrounding land to the north, south and east. A retaining wall has been constructed along the eastern and southern property boundaries.

The site is hard surfaced with a variety of ground vegetation and iron railings and gates have been erected along the eastern and southern property boundary. The site is surrounded by two-storey residential dwellings in all directions, with the exception of a car park on lower land to the east. Adjacent dwellings to the north, north-west and south have been constructed approximately 2.0m below the ground level of Old/New Park Terrace.

PLANNING HISTORY

07/1233	Land adjacent to 13 Old Park Terrace. Treforest	Proposed new dwelling	Granted 28/01/08
07/0091	Land adjacent to 13 Old Park Terrace. Treforest	Proposed dwelling	Refused 10/04/07
05/0160	Land adjacent to 13 Old Park Terrace. Treforest	Proposed new dwelling (Outline).	Granted 10/06/05

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One objection letter from a resident of Belle View Terrace has been received and the contents are summarised below:

- The new build will be directly opposite my lounge and would result in a loss of light.
- If any window would overlook my lounge it would result in a loss privacy.

- As it is two flats there would be a lot of coming and going by cars. Duke Street and Park terrace is a dangerous junction.

CONSULTATION

Dwr Cymru/Welsh Water – no objection subject to conditions. The site is crossed by a public sewer.

Land Reclamation and Engineering – no objection subject to drainage conditions including a Hydrological Impact Assessment.

Public Health and Protection – previous comments in application 07/1233 detail no objection subject to conditions on the demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection subject to conditions requiring the setting back of site boundary abutting Old Park Terrace and New Park Terrace to provide a visibility splay of 2.4m, parking areas to be constructed of permanent materials, the vehicular crossovers details, surface water run off not discharging on to the public highway, details and design calculations of retaining walls and provision of traffic management and wheel washing facilities.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and adjacent to Old Park Terrace Conservation Area.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW1 – supports new housing inside the settlement boundaries and allocated sites.

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 AW7- covers the protection and enhancement of the built environment.

Policy AW 8 - 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.

Supplementary Planning Guidance: Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 22: Sustainable Buildings;
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:

Principle of the proposed development

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and planning permission (07/1233) has previously been granted for a dwelling on the site. This application expired on the 28th January 2013 however, notwithstanding the expiry of the previous permission, in principle the residential development of the site would be considered acceptable.

Residential Impact

In terms of the impact on residential amenity, the proposed building is the same size and design (in the main) as the previous permission. A letter of objection has been submitted from the immediate neighbour from Belle Vue terrace. This highlights they consider the proposal would result in a loss of light and potential overlooking to their lounge window which is on the side elevation. As this

window faces north and the impact from this proposal would not be significantly different to that previously granted permission (07/1233) it is not considered that their loss of sunlight would be significant enough to warrant a refusal. With regard to the overlooking issue, the two main windows proposed on the side elevation serve a landing is a secondary window for the living room of the first floor flat. The plans indicate these would be obscurely glazed up to 1.8m above finished floor levels to protect the privacy of adjacent dwellings. Therefore, it is considered there would not be any significant impact from overlooking.

On a final matter the objector points to the proposal for two flats having a greater impact than the previous proposal for a single dwelling with regard to the comings and goings of occupiers particularly by vehicles. The vehicle access and parking area proposed is located in the same position as previously permitted and it is not considered that the use of the building as two flats would result in potentially significantly greater traffic movements to warrant a refusal reason on this issue. In addition the building would have one main pedestrian access for the two flats (opposite the adjacent dwelling on the opposite side of the side lane). This is in the same location as that previously permitted. Again, it is not considered the activity generated by neighbours the occupiers of the flats would result in a significant impact on neighbouring resident's amenity.

Visual Impact

With regard to the impact on the character and appearance of the area, the site is adjacent to Old Park Terrace Conservation Area to the north. The proposal is the same size and design to that already approved (07/1233). This previously approved design resulted from some negotiation to improve the proposal that was originally submitted. Furthermore the previous permission included a number of conditions requiring more details of for example the window openings, as the site is adjacent a conservation area. It is therefore considered the proposed building would be acceptable and similar conditions to that previously applied should be place on any permission granted.

Highway Safety

The proposed access and parking is identical to that previously approved (07/1233). No objection has been raised by the Transportation Section subject to similar conditions as previously applied. Therefore in these terms the application would be acceptable.

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:

Drainage

Welsh Water / Dwr Cymru have indicated the site is crossed by a public sewer. As this issue is covered by other legislation, an appropriate informative should be included if permission were to be granted.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues. The previous permission (07/1233) included a site investigations condition as concerns were raised. It is considered a similarly worded condition should be attached if permission were to be granted for the new proposal.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, highway safety, the amenities of nearby residential properties and visual impact, (policies AW2, AW5, AW6 and AW7).

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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

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.

3. Prior to the occupation of the dwellings, hereby approved, the windows in the north and south elevation shall be glazed with obscure glass up to 1.8m above finished floor levels. Details of obscure glazing to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The windows shall be retained as

such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy AW5 of the Rhondda Cynon Taff Local Development Plan.

4. Building operations shall not be commenced until a sample of the slate to be used on the roof has been submitted to and approved in writing by the Local Planning Authority and the slate used shall conform to the sample 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 order to preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

5. Before work starts, the design and details of the window openings and joinery to be used on the front elevation shall be submitted to and approved in writing by the Local Planning Authority. Drawings shall be submitted to a minimum scale of 1:20. The works shall be carried out 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 and adjoining buildings in order to preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the precise ground levels between the Old Park Terrace/New Park Terrace road frontage, car parking area, pedestrian access to the dwelling and the dwelling have been submitted to and approved in writing by the Local Planning Authority. Drawings shall be submitted to a minimum scale of 1:50. The works shall be carried in accordance with the approved plans.

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 order to preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

7. The building hereby approved (with the exception of the chimney stack) shall not exceed 5.1m above the existing ground levels of Old Park Terrace/New Park Terrace.

Reason: To ensure compliance with the approved plans and clearly define the scope of the permission.

8. Notwithstanding the submitted plans, 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 hereby approved 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 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. 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 any existing trees to be retained; the position, design, materials and type of any boundary treatment to be erected; and the surfacing materials for any hard surface area. Development shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. 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 preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The site boundary abutting Old Park Terrace/New Park Terrace shall be setback to provide a visibility splay of 2.4m by site frontage for the junction of Belle Vue Terrace with Old Park Terrace/New Park Terrace. No obstruction or planting when mature, exceeding 0.9m in height shall be placed within the required vision splay area.

Reason: To give adequate visibility in the interests of road safety to vehicles

emerging on to the highway in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The parking areas shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing by the Local Planning Authority.

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

13. Development shall not begin until details providing for the creation of a vehicular crossover have been submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The crossover shall be constructed in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

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

14. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system unless otherwise agreed in writing by the Local Planning Authority in accordance with policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No works shall commence on site, until details and design calculations, of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: In the interests of road safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall take place until drainage arrangements including a Hydrological Impact Assessment have been submitted to and approved in writing by the Local Planning Authority. The dwellings 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 policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

17. Construction works on the development shall not take place other than during the following times:

Monday to Friday 0800 to 1800 hours

Saturday 0800 to 1300 hours

Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

18. The dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

19. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwellings hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

20. Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

5 DECEMBER 2013

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AND THE SERVICE DIRECTOR, PLANNING**

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