

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015-2016**

**DEVELOPMENT CONTROL  
COMMITTEE**

**18 FEBRUARY 2016**

**REPORT OF THE  
DIRECTOR LEGAL AND  
DEMOCRATIC SERVICES**

**Agenda Item No.5(2)**

**SITE MEETING  
APPLICATION NO. 15/1259 -  
CONSTRUCTION OF THREE, 3  
BEDROOM TERRACED HOUSES – BRYN  
HENLLAN, BLAENRHONDDA**

**Author: Mrs.Z.Maisey, Principal Officer, Committee Services**

**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.145(2) (Development Control Committee, 21<sup>st</sup> January 2016), a site inspection was undertaken on Wednesday, 3<sup>rd</sup> February 2016 to consider highway and planning concerns regarding the proposed development.
- 3.2 The meeting was attended by the Chair of the Development Control Committee (County Borough Councillor G.Stacey) and Committee Members - County Borough Councillors P.Jarman, (Mrs) S.J.Jones, R.Lewis, (Mrs) J.S.Ward, P.Wasley and E.Webster. Non-Committee/Local Members – County Borough Councillors G.R.Davies and I.Pearce were also in attendance.
- 3.3 Apologies for absence were received from Committee Members - County

Borough Councillors L.M.Adams, (Mrs) L. De Vet, S. Rees and G.P.Thomas.

- 3.4 Members viewed the application site and were informed by the Development Control Officer that full planning permission was being sought for the erection of three 3-bedroomed terraced houses. The houses would be accessed off the main distributor road that runs through the Bryn Henllan Housing Estate and off-road parking for two cars would be provided on a forecourt to be provided at the front of each plot. Garden areas would be provided to the rear. The Development Control Officer pointed out that the proposed dwellings would have a traditional 2 storey front façade similar to existing properties in the area but this would increase to a 3 storey aspect at the rear of the site owing to the topography of the site.
- 3.5 Members noted that the site sloped steeply down from the narrow and busy main road with high on-street parking demand. The road was also used a main bus route. Owing to the current high on-street parking demand which narrows the reversing width from the proposed dwellings onto Bryn Henllan, Members queried the impact of the proposal on highway safety.
- 3.7 Members were informed that the Council's Transportation Section had raised no objection to the application subject to conditions. It was not considered that the proposal would be detrimental to issues of highway safety given the limited extra traffic that would be generated by the proposed three dwellings. The proposed highway layout and parking areas had been assessed by the Council's Transportation Section and were considered to be acceptable. This view had taken into account the existing levels of on-street parking demand which had led to modifications being made to the scheme to increase manoeuvring space to allow vehicles greater room to access and egress the site. It was not considered that the proposed development would hinder or impede the bus route.
- 3.8 It was noted that there was an adopted footway to the east of the application site which provided access to the lower road and an un-adopted footway to the west which provided access to playing fields. The Development Control Officer stated that whilst the construction activities could have a temporary impact on the use of these walkways, this would cease to be case upon completion of ground works at the site. Any impact could be reduced to a minimum with careful and considerate site management. It was acknowledged that the gate entrances to Plots 1 and 3 could have an impact on the use of existing paths but this issue could be addressed with an appropriately worded condition restricting the gates to be inward opening only.

- 3.9 Non-Committee/Local Member – County Borough Councillor G.R.Davies expressed his concerns about the proposed development. He stated that neighbouring residents were concerned about the stability of the site owing to its topography. He also pointed out the lack of on-street parking in the area and if the proposed dwellings went ahead, a further three on-street parking spaces would be lost.
- 3.10 Non-Committee/Local Member – County Borough Councillor I. Pearce queried whether the application site was of sufficient size to satisfactorily cater for 3 dwellings and she felt it would result in overdevelopment of the site to the detriment of the surrounding area.

**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**

**18 FEBRUARY 2016**

**REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES**

**APPLICATION NO. 15/1259 - CONSTRUCTION OF THREE, 3 BEDROOM  
TERRACED HOUSES – BRYN HENLLAN, BLAENRHONDDA**

Minute No.145(2) (Development Control Committee, 21 January 2016)

**APPLICATION NO:** 15/1259/10 (BJW)  
**APPLICANT:** Mr Qureshi  
**DEVELOPMENT:** Construction of three, 3-bedroomed terraced houses.  
**LOCATION:** BRYN HENLLAN, BLAENRHONDDA, TREORCHY, CF42 5SY  
**DATE REGISTERED:** 07/10/2015  
**ELECTORAL DIVISION:** Treherbert

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**RECOMMENDATION:** Approve.

**REASONS:**

**The proposal is considered to be an appropriate form of infill development that would be in keeping with the character and appearance of the area, would make a more productive use of the site and would not have a detrimental impact on the amenity of neighbouring properties or highway safety.**

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**APPLICATION DETAILS**

Full planning permission is sought for the erection of three 3-bedroomed terraced houses on a land at Bryn Henllan, Blaenrhondda, Treorchy, CF42 5SY.

The site is a sloping area of open land located off the main estate distributor road. The site is bounded by the pedestrian footway and vehicular highway to the southern boundary; footpaths to the east and west boundaries and a fence and several trees to the northern (rear) boundary.

The proposal is for a link of three terraced houses on the site with access and parking off the main estate distributor road and garden amenity areas to the rear. Due to the sloping nature of the site, the dwellings would measure a maximum width of 6.4m a height of 5m to eaves and 7.6m to ridge at the front elevation (although this would also be 1.1m below the level of the adjacent pavement) and 7.8m to eaves and 9.15m to ridge as viewed from the rear of the site. The building would be constructed from rendered block work walls with concrete interlocking tiles while the gardens would be bounded by a close boarded fence. Accommodation would be arranged over three split level floors.

The forecourt approach to the front of the properties would cater for 2 vehicles to be parked off-road. There would be a stepped pedestrian access point to plot 2 (the middle plot) while access to plots 1 and 3 would be from a side gate off the existing paths either side of the site.

The application has been subject to negotiations with the Transportation Section to address concerns regarding the layout. The negotiations have led to the dwellings being set back a further 900mm to take into account the existing high on-street parking demand which narrows the reversing width from the plots onto Bryn Henllan.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the development would accord with national planning policy objectives and those within the Local Development Plan. Additionally, it is stated that the development would be sympathetic to existing neighbouring properties and would not cause any detriment to their amenities or highway safety considerations.

### **SITE APPRAISAL**

The site is an irregularly shaped piece of land located off a main estate distributor road in the residential housing estate of Bryn Henllan. The land is accessed directly off the main road through the estate; it slopes down approximately 4m from its southern boundary to the northern (rear) extent of the site; is open in aspect with a well established grass covering and is bounded on its eastern and western boundaries by existing footpaths and to the north by a steel, park fence with mature trees beyond.

The land is at the same level as immediately adjacent dwellings to the west of the site and at a lower level than properties located opposite to the south which are set above the level of the highway.

### **PLANNING HISTORY**

None.

### **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. 34 identical letters of objection have been received raising the following issues:

1. The construction activities will close off the walkway or make its use extremely dangerous. The walkway is used by residents on a daily basis to access various amenities in the surrounding area.
2. The roof will be higher than existing adjacent properties (No. 5) and would look out of place.
3. The rear of site would not be screened all year round as the trees are not evergreen.

4. The existing road is narrow and residents already have problems parking. The off road parking for the new dwellings would be difficult to access due to the number of vehicles already parking on this road.
5. The road is also the main bus route which most of the residents rely on especially in the inclement weather.
6. The plans show a gate onto the walkway which could impede access.
7. There are already several empty properties on the estate and in the neighbouring village of Blaenrhondda.
8. Town houses will not be conducive to the existing houses in and around the proposed area.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions.

Land Reclamation and Engineering – no objection, subject to conditions.

Public Health and Protection – no objection, subject to a condition to restrict the hours of work during the construction phase of the development and informative notes.

Dwr Cymru Welsh Water – no objection, subject to conditions.

Western Power Distribution – no response received within the consultation period.

Wales and West Utilities – has confirmed it has pipes within the area which may be affected and be at risk during construction works. Should the planning application be approved the promoter of the works should contact Wales and West Utilities directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

Countryside, Landscape and Ecology - From the layout plans the 'canopy spreads' of the trees at the rear of the site would not extend into the developable area of this site, although they are likely to extend into the lower parts of the back gardens – as would root zones. Looking at the layouts and the cross sections it appears that if care is taken the site could be developed without damaging Council owned Park's trees. However, a condition is suggested for tree protection measures to be agreed and implemented on site to ensure that root zones are not affected by construction activities.

## **POLICY CONTEXT**

The site is within the settlement boundary and unallocated.

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

**Policy CS1** - sets out criteria for achieving sustainable growth.

**Policy AW1** - sets out criteria for the supply of new housing.

**Policy AW2** – states that development proposals will only be supported in sustainable locations. Sustainable locations are defined in the Policy and include sites that accord with Policy NSA12 and have good accessibility to a range of sustainable transport options, key services and facilities.

**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** - only permits development where it would not cause harm to features of the natural environment.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

## **National Guidance**

### **Planning Policy Wales (Edition 8, January 2016)**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing)

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

## **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 development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies in the Local Development Plan.

It is considered that the proposed dwellings could be accommodated at the site without leading to over development and that the proposal would make a productive use of the land that would be in keeping with surrounding land uses. Additionally, the proposal would not have an adverse impact on the amenities of neighbouring properties, the visual amenity of the area or highway safety considerations.

Consequently, it is considered that the principle of the development for 3 dwellings would be acceptable.

### **Character and Appearance of the area**

The area is predominantly characterised by link and semi-detached former local authority properties in residential use.

The proposed dwellings would form a modest addition to the immediate area of the existing housing estate. The design would be in keeping with existing properties and it is considered that the scale of the proposed dwellings would be sympathetic to the surrounding area and would make use of the existing topography of the site.

The proposed dwellings would not be an unduly prominent inclusion within the area it is considered that they would be adequately screened and neither jarring or incongruous and would sit fairly comfortably within their setting.

Consequently, the proposal is considered to be acceptable in this respect.

### **Impact on amenities of neighbouring properties**

The immediate area is characterised by an estate of link and semi detached dwellings that were possibly Local Authority social housing stock from the 1960's - 1980's. Properties are exclusively two storey in height and arranged either above or below the main estate distributor road depending on the topography of their position.

The site is located to the north and west of existing dwellings within the estate and is at the same level as those properties to the east of the site and lower than those to the south. It is considered that due to its height and relationship with existing properties within the area that the proposed dwellings would not have a

detrimental impact in terms of a loss of privacy and amenity. Additionally, the dwellings would be of height and scale that would be sympathetic to neighbouring properties and would not have an overbearing impact on them.

The objections raised by respondents are acknowledged and are addressed later within the report.

### **Highway safety**

The Council's Transportation Section has raised no objection to the application, subject to conditions.

This view acknowledges that the proposed dwellings would be accessed off Bryn Henllan and would be a continuation of the existing terraced street. Bryn Henllan has a carriageway width of 5.1m - 5.2m with footways which vary between 2.0m - 2.1m which are acceptable to serve the proposed development. There are limited off-street car parking facilities within the residential estate which in turn results in on-street car parking demand to the detriment of safety of all highway users and free flow of traffic.

The residential streets leading to the proposed development are typical of valley streets which are oversubscribed with on-street car parking narrowing available widths of carriageway and impacting on visibility splays. However, given the limited extra traffic generated by the proposed 3 dwellings this would not warrant an objection.

There is an adopted footway to the east of the plot which gives access to the lower road and an un-adopted footway to the west which gives access to the playing fields. Both footways have pedestrian handrails. The adopted footway has handrails in the tarmac surface and the un-adopted footway has handrails in the verge. It appears that the handrail located adjacent to the un-adopted footway is now within the application plot and therefore details would be required of the new handrail to be installed within the footway with a break for pedestrian access into plot 1.

In terms of parking, the proposal provides for two off-street spaces per plot which, given the relatively small scale of the dwellings, is acceptable.

The developer has set the dwellings back by some 900mm to take into account the existing high on-street parking demand which narrows the reversing width from the plots onto Bryn Henllan which is acceptable and overcomes the previous concerns.

Consequently, subject to the suggested conditions, it is considered that the proposal would not be detrimental to issues of highway safety and therefore acceptable in this regard.

## Other issues

The objections received as part of the consultation exercise are acknowledged and the following comments are offered:

- (i) While the construction activities could have a temporary impact on the use of the existing walkways this would cease to be the case on completion of the ground works at the site. Additionally, any impact could be reduced to a minimum with careful and considerate site management.
- (ii) The roof height of the proposal is only marginally higher (400mm) than the existing properties to the west of the site and would be considerably lower than those properties to the south of the site. It is not considered that this minor increase in height would be visually overbearing or detrimental to the character and appearance of the area.
- (iii) It is considered that the existing boundary features of the park fence, established trees and proposed close boarded fencing would adequately and sufficiently screen the site.
- (iv) The proposed highway layout and parking areas have been assessed by the Council's Transportation Section and are considered to be acceptable. This view has taken into account the existing levels of on street parking demand and has led to modifications to the scheme to increase manoeuvring space to allow vehicles greater room to access and egress the site.
- (v) It is not considered that the proposed development would hinder or impede bus routes within the area.
- (vi) The gate entrances to plots 1 and 3 could have an impact on the use of existing paths within the area. However, this issue could be addressed with an appropriately worded condition restricting the gates to be inward opening only.
- (vii) The number of empty properties within the area is a matter for market forces and is not a material consideration relevant to the determination of this application.
- (viii) The proposed dwellings would have a traditional 2 storey front facade similar to existing properties within the area. There is an increase to a 3 storey aspect at the rear of the site however this is as a result of the topography of the site and is a common arrangement of traditional terraced properties within the area.

Additionally, whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is not considered necessary to include the suggested condition to restrict the hours of work during construction and an appropriate note can be added to any permission concerning waste and dust issues.

### **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 proposal would be consistent with the residential use, character and appearance of the surrounding area and would not be detrimental to the amenity of neighbouring properties or highway safety considerations.

Consequently, the development is considered to be acceptable.

### **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 plan(s) no(s)
  - Site Location Plan
  - Proposed Plans, Drawing No. 1509.PL01, Dated 14/09/15
  - Proposed Elevations/Section, Drawing No. 1509.PL02A, Dated 16/11/15
  - Proposed Site Plan, Drawing No. 1509.PL03A, Dated 16/11/15

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

3. 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: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. 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.

5. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) 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 the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the approved plans the gate entrances to Plot 1 and Plot 3 shall be fitted to be inward opening only and retained as such in perpetuity.

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

7. 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.

8. 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.

9. Before the development is brought into use the means of access, together with parking facilities, shall be laid out in accordance with submitted plan 1509.PL03A and approved by the Local Planning Authority.

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

10. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the relocated pedestrian hand rail adjacent to plot 1 have been 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 beneficial occupation.

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

11. Prior to the development being brought into use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Prior to the commencement of development, details of 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: In the interests of highway and pedestrian safety and to ensure that mud and debris are not deposited onto the public highway in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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