



**PLANNING & DEVELOPMENT COMMITTEE**

**17 MAY 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0321/10  
**(GH)**  
**APPLICANT:** Mr A Williams  
**DEVELOPMENT:** Demolition of existing store & construction of one pair of semi detached dwellings (re-submission)  
**LOCATION:** **FORMER WORKSHOP & STORE, 85A PENRHIWFER ROAD, TONYREFAIL, CF39 8EY**  
**DATE REGISTERED:** 22/03/2018  
**ELECTORAL DIVISION:** Tonyrefail West

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

**REASONS:**

It is considered that the proposed dwellings could be accommodated adequately within the application site, be of a scale and layout that would satisfactorily relate to the street scene, and are of an acceptable modern design.

Whilst it is acknowledged that the scheme would alter the outlook from the neighbouring properties to the east and the windows of the new properties would face towards existing dwellings, the revised scheme has provided some mitigation of these concerns.

Therefore it is not considered that the development would create sufficient detriment to residential amenity to warrant a recommendation of refusal.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor G Caple for the application to be determined by Committee, on the basis of highway and amenity concerns.

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of a pair of town house style dwellings on a parcel of land located adjacent to Penrhiwfer Road, Tonyrefail.

The dwellings would be located on part of a larger site which currently accommodates a workshop and store. The workshop would be demolished, and the store retained by the applicants.

The properties would provide accommodation over three stories, each having a garage for a single vehicle and entrance porch to the ground floor, a large open plan lounge, kitchen and diner to the first floor, with two bedrooms and a bathroom above.

Each dwelling would be regular in plan and would extend to a maximum depth of 8.5m and maximum width of 5.6m. The main roof would be of an asymmetrical twin pitch arrangement, rising from 5.5m at the front eaves to 9.75m at the ridge, and incorporate dormer windows to the front planes.

In terms of external material, the roof covering would consist of fibre cement slates above elevations of red face brickwork. The fenestration would be of white uPVC with cast stone cills and heads.

Vehicular access to the driveway and garage of each dwelling would be gained directly from Penrhiwfer Road, with garden and patio space provided to the west facing rear. It is noted that on account of the change in land levels, the gardens would be at the same level as the first floor accommodation and accessed via a raised terrace.

The application, which is accompanied by a coal mining report, is a resubmission of an earlier refused scheme. However, the earlier scheme has been revised and the applicant has incorporated the suggestions of the Planning Authority to make the scheme more acceptable; in particular with regard to the asymmetrical roof arrangement and dormer windows, resulting in a lowering of the eaves height to match that of the closest neighbouring houses.

## **SITE APPRAISAL**

The application site is a plot of land adjacent to no. 2 Penrhiwfer Road, Tonyrefail which is currently occupied by a workshop.

The site has a frontage providing pedestrian and vehicular access directly onto Penrhiwfer Road to the east. The land is of a triangular shape with the deepest part being located towards to the northern end and encompasses an area of approximately 550m<sup>2</sup>.

Whilst the plot is relatively level it is noted that the land rises significantly in level behind the western boundary, which is flanked by open land and retained by tall walls of dressed stone.

Other than the disused workshop building, which is attached to a further store to the south and which would be retained, there are residential properties to the north. The surrounding area is predominantly characterised by two-storey, semi-detached and terraced properties which front directly on to Penrhiwfer Road.

A public right of way is located to southern boundary with the rear of the site forming a green wedge and a Sandstone Safeguarding Area.

## PLANNING HISTORY

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

17/0580	Demolition of existing store & construction of 1 no. pair semi detached dwellings.	Refuse 29/11/17
16/5058	Proposed demolition of existing workshop and the construction of 2 No town houses.	Raise Objections 17/11/16

## PUBLICITY

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

Two letters of objection have been received raising concerns in respect of the following:

- " overlooking from the upper floors
- " reduction in on-street parking
- " disruption and impact on highway due to demolition and construction work, and access for plant, materials, deliveries etc
- " surface water drainage issues
- " unsafe stone wall to the south of the site
- " external finish

These matters are considered within the body of the report further below.

## CONSULTATION

Highways - no objection subject to conditions in respect of surface water and parking spaces.

Public Health and Protection - conditions are requested in respect of noise, dust, waste, demolition, hours of operation and contamination. However, with the exception of the latter two, it is considered that the other issues can be best dealt with an informative note, since they are matters controlled by existing legislation.

The Coal Authority - The Coal Authority considers that the content and conclusions of the Minor Development Risk Report (19 October 2017) are sufficient for the purposes of the planning system and meets the requirements of PPW in

demonstrating that the application site is safe and stable for the proposed development.

Dwr Cymru/Welsh Water - no objections subject to a condition in respect of surface water and an informative note regarding sewer connections.

Drainage - a condition requiring the submission of full drainage details is requested.

South Wales Fire Authority - no objection and an informative note is requested.

Building Control - Structural Engineer - design details and calculations for the retaining wall are requested.

Western Power - no objection.

Wales and West Utilities - WWU has noted that it has no apparatus in the area of the proposed development and recommends an informative note.

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

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Tonyrefail

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

**Policy AW2** - promotes development 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 AW10** - does not support development where unmitigated environmental, public health or amenity risks are present.

**Policy SSA12** - supports housing development within defined settlement boundaries

**Policy CS2** - development in the South

### **Supplementary Planning Guidance:**

Design and Placemaking

Delivering 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.

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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 application site is situated within the defined settlement boundary and it is noted that the surrounding area is predominantly characterised by residential properties. It is therefore considered that the principle of residential development in this location is acceptable, thus the development would comply with LDP Policies SSA13, CS2 and AW1.

Consequently, the key considerations are whether the site is capable of accommodating the proposed dwellings and associated parking/amenity space without resulting in a detrimental impact to both the character and appearance of the surrounding area and to the residential amenity and privacy of surrounding neighbouring properties. Furthermore, the implications of the development on highway safety in the vicinity of the site are a consideration.

The application is therefore acceptable in principle, but is subject to the consideration of design, amenity and highway safety matters noted below.

#### **Impact on the character and appearance of the area**

The proposed dwellings would sit comfortably within the site with sufficient space being retained to the rear to provide individual amenity space for each property. The dwellings are also considered to be of a scale and design which, compared with the earlier three storey design and shallow roof of the refused scheme, would be more keeping with existing residential properties along Penrhiwfer Road.

In particular the 2.5 storey approach has helped to reduce the mass of the elevations and would relate better to the rest of the street. The roofline would also look correctly

proportioned and the eaves height comparable to that of no.2 Penrhiwfer Road, whilst the dormer windows are set well back from the edge of the roof plane.

Regarding external finishes, one of the objectors has noted that the elevations of face brickwork would be out of character with other dwellings; indeed the use of some stonework was suggested to the applicant as a way of helping the development to tie in visually.

There is sympathy with the objector's opinion, although it was noted during the site visit that of the twenty-one properties between the junction of Penrhiwfer Road with Waunrhydd Road to the south and Dyffryn Terrace to the north, eight of them have been rendered and many have had modern glazing installed.

Therefore, noting the current dilapidated state and external sheet metal finishes of the workshop; it is considered that the proposed semi-detached dwellings would represent an improvement to the character and appearance of the area.

#### Impact on neighbouring occupiers

In this regard the main considerations are the potential impact on the residents of those properties closest to the application site.

Whilst there is some concern that the height of the proposed dwellings would increase the level of overshadowing currently experienced to the rear aspect of no. 2 Penrhiwfer Road to the north, it is noted that an existing single storey projection to the rear of that property would reduce the likely degree of detriment, and lessen any concerns about the effect on outlook.

Conversely, the dwellings on the opposite side of the road, no's 9 and 11 Penrhiwfer Road are immediately adjacent to the highway and face towards the site. There is concern that with there being only 15m between opposing elevations, opportunities to look directly towards habitable rooms may be created; although the new properties would be set back around 3m from the highway, unlike the existing terraced houses.

Furthermore, given that the existing dwellings further along Penrhiwfer Road are set back from each other by around 12m, it might be argued that the development would replicate the typical arrangement where Victorian houses directly oppose each other, and any private amenity or garden space is provided to the rear.

Lastly, given that the existing use of the garage and workshop could cause considerable detriment to amenity if put to a more intensive business use, it is considered that, on balance, the impact to neighbour amenity is not so great as to merit refusing the proposed scheme, and that a residential use is more compatible with the context of the surrounding development.

#### **Highways and accessibility**

Highways officers have noted that Penrhiwfer Road (B4278) has a carriageway width of 8.1m with no parking restrictions, with 1.8m wide footway opposite the application site and 2m wide footway to the front.

Penrhiwfer Road is a classified road carrying substantial amount of vehicular traffic. Consequently there is concern with regard to vehicles reversing to and from the proposed driveways and garages to Penrhiwfer Road, since both driveway length and vision are sub-standard.

However, the proposed development currently provides a vehicular footway crossing and two car parking spaces per dwelling which is acceptable. Furthermore, accident data has been assessed for the latest five year period with no reported accidents within the vicinity of the site.

Noting the concerns regarding vehicle movements highlighted above, and taking into account the existing garage access at the site, the application is considered to be acceptable.

### **Other issues**

Amongst the issues of concern highlighted by objectors, relate to the management of surface water and the safety of an existing stone wall.

The matter of drainage is one that would be captured by a condition requiring full details to be submitted for approval. In addition, conditions in respect of preventing surface water drainage to the highway or public sewer are proposed to be appended to any consent.

With regard to the alleged unsafe wall, this is to the south of the site and adjacent to the part of the site which would not be developed. Therefore, whilst residents' concerns are noted this matter is not germane to the application; although a retaining wall condition is proposed for the new structure proposed to the rear of the new dwellings.

Lastly, disruption from construction activities can be limited by a standard condition controlling working hours, and although not referenced by highways officers, a condition requiring traffic management details is suggested.

### **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. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40m<sup>2</sup> for residential development.

The CIL (including indexation) for this development is expected to be £8276.82.

## **Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties, and would accord with Local Development Plan Policies in respect of the provision of new housing and infill development. The application is therefore considered to be acceptable.

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

### **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 number AW-2 Revision C received by the Local Planning Authority on 22nd March 2018, 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. 1. No development shall commence until a scheme to deal with contamination has been submitted and approved in writing by the LPA. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing.

(a) 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.

(b) 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 (a) above.

(c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.



2. 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 LPA. Any validation report shall be carried out by a competent person.

3. 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 LPA 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 in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

4. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management, including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

5. No development shall commence until details of traffic management and wheel washing facilities, to be provided on site, have been 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. To ensure mud and debris are not deposited on the public highway.

6. No development shall commence until design details and structural calculations of the proposed garden retaining wall has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and amenity in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local

Planning Authority.

Reason: To prevent overloading of highway drainage system and potential flooding and in the interests of highway safety.

8. The parking spaces identified on the submitted drawing AW-2, Revision C shall be retained for the purpose of the parking of vehicles only unless otherwise agree in writing by the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety and free flow of traffic.

9. The development hereby approved shall not be occupied until the 2m wide footway and vehicular crossover have been constructed in accordance with the submitted plans and with RCT standard detail drawing numbers 110 and 111 available here:

<http://www.rctcbc.gov.uk/EN/Business/PlanningPropertyandBuildingControl/Plans/110footwayandcarriagewayconstructionresidentialstreets110.pdf>

<http://www.rctcbc.gov.uk/EN/Business/PlanningPropertyandBuildingControl/Plans/111vehicularcrossoverresidentialstreets111.pdf>

Reason: In the interests of highway and pedestrian safety and free flow of traffic

10. During the construction phase of the development the hours of work shall be restricted to the following:

Monday to Friday - 08.00 to 18.00 hours

Saturday - 08.00 to 13.00 hours

Sunday and Bank Holidays - Not At All

Reason: In the interests of the amenity of other residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. HGVs used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am 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.

12. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

13. The development 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.

14. No plant, equipment or construction materials shall be stored within the public highway.

Reason: In the interests of the safety and free flow of traffic.

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