



## **PLANNING & DEVELOPMENT COMMITTEE**

**6 SEPTEMBER 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0145/13 (MF)  
**APPLICANT:** Mr Julio Era  
**DEVELOPMENT:** Demolition of existing bungalow and erection of 2 no. pairs of semi-detached 3B/4B houses with double garage and new private access drive. (Outline Application) (amended site layout plans received 03/04/18).  
**LOCATION:** AMBLESIDE, HIRWAUN ROAD, HIRWAUN, ABERDARE, CF44 9HW  
**DATE REGISTERED:** 19/02/2018  
**ELECTORAL DIVISION:** Penywaun

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**RECOMMENDATION:** Approve

#### **REASONS:**

The redevelopment of the site for residential purposes is acceptable in principle and it is considered that the site is capable of accommodating 4 no. carefully designed dwellings that would not result in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of the surrounding properties. Further, it is not considered the proposed development would have a detrimental impact upon highway safety in the vicinity of the site.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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

The application is reported to Committee by request of Councillor Boggis in order to consider the potential impact the proposed development could have upon the amenities of the adjacent properties.

## **APPLICATION DETAILS**

Outline planning permission is sought for the demolition of an existing bungalow at the application site and for the erection of 4 no. semi-detached dwellings in its place. The application seeks consent for the principle of the development and the proposed access only. All other matters (appearance, landscaping, layout and scale) are reserved for future consideration.

An indicative site layout plan has been submitted with the application that indicates two pairs of semi-detached dwellings would be located in series towards the rear (north) of the plot. The plan also details that the proposed dwellings would be orientated west to east, having off-street parking to the front and garden areas to the rear. Whilst layout, scale and appearance are matters reserved for future consideration, it has been indicated that the dwellings would be constructed within the following scale ranges:

- Width: minimum 5 metres – maximum 7.5 metres;
- Depth: minimum 8 metres – maximum 13 metres;
- Height: minimum 7 metres – maximum 12 metres.

It is detailed that access would be gained off Hirwaun Road via a private drive between the two neighbouring properties, and that a turning head would be located between the two pairs of dwellings allowing access/egress in forward gear.

## **SITE APPRAISAL**

The application site is an 'L' shaped parcel of land, amounting to approximately 1900m<sup>2</sup>, that currently forms the residential curtilage of Ambleside Bungalow and an area of scrub land to the rear. The site is located along Hirwaun Road, being set back from the highway and separated from it by a grassed highway verge. The bungalow site is occupied by the property itself, sited centrally within the curtilage, with enclosed garden areas to the front and rear. The scrub ground to the rear of the bungalow is vacant, having recently been cleared of various vegetation. The site is bounded by similar bungalows at either side and an open field to the rear. The plot is level throughout and sited at a comparable ground level to the adjacent properties. Access is gained off Hirwaun Road to the front (south). Overhead power cables cross the site.

The surrounding area is generally residential nature, comprising a mix of dwelling types and relationships between properties, including a similar development to that proposed currently under construction at a neighbouring plot where 2 no. replacement dwellings are being constructed in series from the highway.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the application site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and site notices. Two letters of objection have been received from occupiers of the adjacent properties, Glanant Bungalow and Heulwen Bungalow, making the following comments (summarised):

- The proposed dwellings and associated boundary treatments may overshadow the adjacent properties.
- The proposed dwellings may overlook the adjacent properties.
- The proposed site access between the neighbouring properties and number of off-street parking spaces at the site would result in noise and disturbance to the adjacent properties.
- If the application is approved suitable boundary treatments should be erected between the application site and the neighbouring properties to reduce any potential impact.
- The existing drainage at the site is not suitable for 4 no. dwellings.
- Construction activities/deliveries would lead to noise and disturbance to surrounding residents and could block access to the adjacent properties.
- Concerns that the application site may form a vehicle access to the vacant field to the rear.
- The development would result in the value of surrounding properties being reduced.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

Flood Risk Management – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection.

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

Wales and West Utilities – no objection, subject to conditions.

Western Power – no objection.

Nation Grid – no objection.

## **POLICY CONTEXT**

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

The application site is located within the settlement boundary for Hirwaun, but is not allocated for any specific purpose.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW1** – sets out the criteria for new housing proposals.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**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 permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy NSA12** – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- A Design Guide for Householder Development;
- Nature Conservation;
- Access, Circulation and Parking.

### **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 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) 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 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport.

## **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.

### **Principle of the Proposed Development**

Outline planning permission is sought for the demolition of an existing bungalow and the erection of 4 no. semi-detached dwellings in its place. The application seeks consent for the principle of the development and access only, with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

The application site is located within the defined settlement boundary of Hirwaun and within an established residential area of the village where the principle of residential development is generally considered acceptable, subject to compliance with the policies set out in the Local Development Plan and other relevant material considerations. Further, the site has historically been occupied by a residential dwelling and it is therefore considered that the principle of residential development at the site has already been established. The proposal is therefore acceptable, in principle, subject to an assessment of the criteria set out below.

### **Visual Impact**

The design, appearance, layout and scale of the scheme are reserved for future consideration and would be within the control of the Local Authority. This would therefore allow the Council to reject schemes that would have an adverse impact in these respects. However, having regard to the size of the site and its environs, it is considered that the site is capable of accommodating 4 no. carefully designed dwellings that would not result in a detrimental impact upon the character and appearance of the surrounding area. It is acknowledged that the indicative site layout plan details that the 4 no. properties would be erected in series away from the highway resulting in what could be considered tandem development and dwellings that would not have a direct relationship with the highway, however, a similar development has recently been approved and is under construction at a neighbouring plot, albeit for 2 no. dwellings, and dwellings within the adjacent street, Trewaun, have a similar layout. It is therefore considered this type of relationship is typical of the area and could be considered acceptable, in principle. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at any reserved matters stage.

### **Residential Amenity**

As set out above, the application site is located between two existing residential properties, from which a number of objections have been raised. It is therefore

important that the amenity and privacy of existing neighbouring residents is safeguarded.

Whilst matters relating to the layout, scale and appearance of the proposed dwellings are reserved for future consideration, it is acknowledged that any development at the site would inevitably result in a degree of impact upon the amenity and privacy standards currently enjoyed by surrounding residents. However, whilst indicative only, the layout plan submitted with the application details that the proposed dwellings could be orientated west to east so as to not directly overlook the neighbouring properties, and could be sited so the side elevation of the nearest proposed dwelling would be at least 12m from the closest neighbouring property, Heulwen, ensuring any overbearing impact is minimal. Furthermore, sited to the north of the neighbouring properties, no undue overshadowing would occur. Therefore, whilst the concerns raised by the neighbours in these respects are acknowledged, it is considered that at the scale proposed, it would be possible to develop the plot without resulting in an unacceptable impact upon the amenity or privacy of the closest neighbouring residents. Further, appropriate landscaping could be implemented along the site boundaries to reduce any potential impact. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at any reserved matters stage.

With respect to the proposed access between the two neighbouring properties and the potential impact this element of the scheme would have upon the neighbouring properties, whilst it is accepted that the access would inevitably result in a degree of noise and disturbance to the adjacent residents, it is not considered the number of vehicles trips associated with 4 no. dwellings would be significantly greater than that which could currently occur from the existing single dwelling. Further, the site is located on the busy A4059 (Hirwaun Road) which forms the main highway between Aberdare and Hirwaun and therefore a considerable degree of noise/disturbance already occurs from passing vehicles. As such it not considered 3 no. additional dwellings at the site would considerably add to the noise and disturbance that already occurs in the area. Additionally, as detailed above, appropriate landscaping could be implemented along the site boundaries to reduce any potential impact upon the neighbours which would be given further careful consideration at any reserved matters stage.

It is acknowledged that the neighbours have expressed some concern with respect to noise/disturbance associated with construction works and traffic, commenting that contractors and the vehicles associated with the development of the dwellings at the site will cause nuisance and disturbance. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in people on site and traffic movements resulting from deliveries associated with the construction. However, it is considered that this would occur over a limited period of time. Furthermore, a condition could be added to any consent which would seek to reduce this impact by controlling the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and peak traffic times. Consequently, it is not considered that general construction activities and movement of additional traffic generated by the construction of 4 no. dwellings would result in an impact upon the amenities of

existing residents that would be so great as to warrant the refusal of the planning application.

### **Highway Safety**

The Council's Transportation Section considered the original access details submitted would result in a sub-standard turning area leading to potential hazards and reversing movements to the detriment of safety of all highway users and free flow of traffic on a strategic highway network, which is not acceptable. As such an amended access layout was submitted on 03/04/18 which included a revised turning area between the pairs of dwellings. In light of the amendments the Transportation Section removed their objections to the scheme.

In their assessment of the amended plans the Transportation Section commented that the application site is served off the A4059 which is a principle route carrying a substantial amount of vehicular and pedestrian movement. However, the proposed private shared access provides for adequate width of carriageway and turning area for satisfactory access and circulation which can be conditioned accordingly. Further, in accordance with TAN 18, the proposed development would require visibility splays of 2.4m x 40m with splays in excess of 2.4m x 70m each way. As such this element of the scheme is also considered acceptable. Finally, the proposed 3/4 no. bedroom dwellings would require up to a maximum of 3 no. spaces per dwelling and 1 no. visitor space in accordance with the SPG: Access, Circulation & Parking with 2 no. per dwelling provided and 4 no. visitor spaces. As such there is potential to provide the required off-street car parking dedicated to each dwelling within the site which can be conditioned and formally laid out during any future reserved matters application. As such the proposal is acceptable subject to a number of highway related conditions.

In light of the above highway assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site.

### **Ecology**

As the development proposes the demolition of the existing dwelling an ecology survey has been undertaken at the property to ensure that protected species or nesting birds are not present. The survey detailed that there were no nesting birds present and that building has negligible to low potential for bats, however a further single activity survey was recommended. The further survey has recently been undertaken and no bats were observed entering/exiting the building. The Council's Ecologist has assessed both the original ecology report and the recent update survey works and commented that they have been undertaken to appropriate standards and the conclusions that no further survey works are necessary is reasonable. As such no objections are raised or conditions suggested.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division in respect of the application. They did however note that a search of their

records relating to potentially contaminating past land uses has shown that the application site was formerly occupied by a tip/refuse heap and therefore potential hazards associated with land contamination may exist on site. As such a condition is suggested requiring site investigations be undertaken at the site and the results be submitted to and approved by the LPA prior to any development works starting on site.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Land Drainage**

It is noted that the objectors have commented that the existing site drainage would not be suitable for additional dwellings on the plot. However, following consultation, no objections have been raised by the Council's Flood Risk Management (FRM) Section in respect of potential flood risk. The FRM Section noted that the applicant has not provided any surface water drainage details with the application and consequently it is difficult to assess the potential impact of the development in respect of flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition being added to any consent requesting full site drainage details be submitted to and approved by the LPA prior to any development works starting on site. It is also noted that no objections were received from Dwr Cymru Welsh Water (DCWW) subject to standard conditions and advice.

In light of the above advice from the Councils FRM Section and DCWW, the development is considered acceptable in this regard, subject to the condition detailed below.

### **Other Issues**

It is noted that no objections were received from Wales and West Utilities, Western Power, or the National Grid, subject to standard conditions and advice.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

An objector commented that development at the application site may result in a vehicle access being created to the adjacent field for future development. Members are advised that this application proposes outline planning permission for 4 no. dwellings and their associated access on the application site only.



With regard to the issue raised by an objector in respect of property values adjacent to the site being reduced, this is not material planning consideration and cannot be taken into account during the determination of the application.

### **Community Infrastructure Levy Liability**

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters, CIL is not payable at outline stage but will be calculated for any future reserved matters or full applications. 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 would be payable.

### **Conclusion**

The development is acceptable in principle and it is considered that the site is capable of accommodating 4 no. carefully designed dwellings that would not result in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of the surrounding properties. Further, following the amendments made to the proposed access/turning area, it is not considered the proposed development would have a detrimental impact upon highway safety in the vicinity of the site.

In light of the above, the application is considered to comply with the relevant local and national planning policies and is considered acceptable.

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

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 plans ref. Proposed Site Plan, 1712.SLP, Topographical Survey, Exploratory Site Section and documents received by the Local Planning Authority on 13/02/18, 26/02/18, 24/04/18, 13/07/18, 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. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be brought in to beneficial

occupation 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.

4. Notwithstanding the submitted layout plan, the design and construction details of the proposed access including the tie in with A4059 and pedestrian crossing point shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
  - a) the means of access into the site for all construction traffic,
  - b) the parking of vehicles of site operatives and visitors,
  - c) the management of vehicular and pedestrian traffic,
  - d) loading and unloading of plant and materials,
  - e) storage of plant and materials used in constructing the development,
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by 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. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and approved by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
  - i. 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.
  - ii. 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 (1) above.

- iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority 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 Local Planning Authority.

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.

7. The dwellings hereby approved shall not be occupied until the measures approved in the scheme referred to in Condition 6 have been implemented and a suitable validation report of the proposed scheme is submitted and approved by the Local Planning Authority.

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.

8. 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 revised contamination proposals shall be submitted to the Local Planning Authority.

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.

9. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the LPA. Only material approved by the Local Planning Authority shall be imported.

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.

10. Off-street parking shall be in compliance with RCT's Supplementary

Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No HGV deliveries during construction shall take place outside of 09:00am to 16:30pm Mondays to Fridays, and 09:00am to 13:00pm on Saturdays, with no HGV deliveries on Sundays or Bank Holidays.

Reason: In the interests of highway safety and free flow of traffic and neighbour amenity, in accordance with Policies AW5 and AW10 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 connect to any highway drainage system unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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